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Crl.MP.No.13167 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.13167 of 2025

in

Crl.RC.No.984 of 2025

Rajesh

...Petitioner

Vs.

State represented by the
Inspector of Police,
Kuthalam

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of BNSS., praying to exempt the petitioners to surrender before the concerned court The District Judge, Mayiladuthurai in Crl.A.No.2 of 2022 order dated 06.09.2024 confirming the conviction passed by the Judicial Magistrate Court No.I, Mayiladuthurai in CC.No.283 of 2015 dated 07.12.2021.

For Petitioner : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

ORDER



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This Criminal Miscellaneous Petition has been filed praying to

WEB COPY exempt the petitioner to surrender before the concerned court: The District Judge, Mayiladuthurai, in Crl.A.No.2 of 2022 order dated 06.09.2024 confirming the conviction passed by the Judicial Magistrate Court No.I, Mayiladuthurai in CC.No.283 of 2015 dated 07.12.2021.

2. The petitioner herein is an accused in CC.No.283 of 2015 on the file of the Judicial Magistrate Court No.I, Mayiladuthurai. He was found guilty of the offences under Section 326 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 326 of IPC	to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for two months.

Aggrieved by the same, the petitioner preferred appeal before the District Judge, Mayiladuthurai in Crl.A.No.2 of 2022, wherein the judgment of the trial court was confirmed, against which the aforesaid criminal revision has been filed.

3. The learned counsel for the petitioner/A1 would submit that



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there are arguable points available in the Criminal Revision and the petitioner/A1 has got a fair chance of succeeding in the Criminal Revision and hence, the substantive sentence imposed against the petitioner/A1 may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (crl.side) appearing for the respondent / police submitted that the petitioner has not surrendered before the trial court so far.

5. Therefore, this Court is not inclined to entertain this petition at this stage. Accordingly, this miscellaneous petition is dismissed.

04.07.2025
(1/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The District Judge, Mayiladuthurai
- 2.The Judicial Magistrate Court No.I, Mayiladuthurai
- 3.Inspector of Police,
Kuthalam
4. The Public Prosecutor,
Madras High Court

Crl.M.P.No.13167 of 2025
in
Crl.RC.No.984 of 2025

04.07.2025
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