



Crl.M.P.No.9975 of 2025 in Crl.R.C.No.601 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.9975 of 2025
in Crl.R.C.No.601 of 2025

N.S.Malathi

... Petitioner

Vs

R.Tamilselvi

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to grant an order of exemption from surrendering before the trial Court pursuant to the judgment dated 05.03.2025 made in C.A.No.230 of 2023 on the file of the learned III Additional District and Sessions Judge, Gobichettipalayam, confirming the judgment dated 19.06.2023 made in S.T.C.No.1370 of 2017 on the file of the learned Judicial Magistrate I, Gobichettipalayam.

For Petitioner : Mr.N.Manoharan

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the trial Court in pursuant to the judgment dated 05.03.2025 made in C.A.No.230 of 2023 on the file of the learned III Additional District and Sessions Judge, Gobichettipalayam, confirming the judgment dated 19.06.2023 made in S.T.C.No.1370 of 2017 on the file of the



Crl.M.P.No.9975 of 2025 in Crl.R.C.No.601 of 2025

learned Judicial Magistrate I, Gobichettipalayam.

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2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act in STC.No.1370 of 2017, on the file of the Judicial Magistrate I, Gobichettipalayam. After full-fledged trial, the Trial Court convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo one year simple imprisonment and to pay a compensation of Rs.6,00,000/-. Aggrieved by same, the petitioner preferred an appeal in Crl.A.No.230 of 2023 on the file of the III Additional District and Sessions Judge, Gobichettipalayam, and the same was dismissed, confirming the sentence imposed by the Trial Court. Aggrieved by the same, the petitioner preferred revision before this Court along with this application to exempt him from surrendering before the Trial Court.

4. Both the Trial Court as well as Appellate Court convicted the



Crl.M.P.No.9975 of 2025 in Crl.R.C.No.601 of 2025

petitioner for the offence under Section 138 of the Negotiable Instruments Act.

Without surrendering before the Trial Court, the petitioner filed this petition seeking exemption from surrender. Therefore, the petitioner failed to make out a prima facie case for granting exemption and this Court is not inclined to entertain this petition seeking exemption from surrender before the lower court.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

02.06.2025
(¹/₂)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order

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Crl.M.P.No.9975 of 2025 in Crl.R.C.No.601 of 2025

G.K.ILANTHIRAIYAN. J.

rts

To

1. The III Additional District and Sessions Judge,
Gobichettipalayam.
2. The Judicial Magistrate I,
Gobichettipalayam

Crl.M.P.No.9975 of 2025
in Crl.R.C.No.601 of 2025

02.06.2025
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