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Crl.M.P.No.9979 of 2025 in Crl.R.C.No.602 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.9979 of 2025
in Crl.R.C.No.602 of 2025

Jeeva

... Petitioner

Vs

Eswaran

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to pass an order of an Exemption to surrender the petitioner before the lower court in pursuant to the Judgment dated 21.03.2025 made in Crl.A.No.248 of 2024 passed by the learned Additional District Judge (Fast Track Court) Mettur, Salem District in confirming the Judgment of the Trial court dated 08.10.2024 in CC.No.271 of 2016 passed by learned Judicial Magistrate No.I, Mettur, Salem District, wherein convicted the petitioner under Section 138 of Negotiable Instruments Act and sentencing him to undergo one year simple imprisonment and pay compensation a sum of Rs.6,00,000/- in default, to undergo further 3 months simple imprisonment.

For Petitioner : Mr.M.R.Jothimanian



ORDER

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This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the lower court in pursuant to the Judgment dated 21.03.2025 made in Crl.A.No.248 of 2024 passed by the learned Additional District Judge (Fast Track Court) Mettur, Salem District in confirming the Judgment of the Trial court dated 08.10.2024 in CC.No.271 of 2016 passed by learned Judicial Magistrate No.I, Mettur, Salem District.

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 C.C.No.271 of 2016, on the file of the Judicial Magistrate No.I, Mettur, Salem District. 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.248 of 2024 on the file of the Additional District Judge, (Fast Track Court) Mettur, Salem District and the same was



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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 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
mn

G.K.ILANTHIRAIYAN. J.



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mn

To

1. The Additional District Judge (Fast Track Court) Mettur,
Salem District.
2. The Judicial Magistrate No.I,
Mettur, Salem District.
3. The Public Prosecutor,
High Court, Madras.

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