



Crl.M.P.No.10002 of 2025 in Crl.R.C.No.606 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.10002 of 2025
in Crl.R.C.No.606 of 2025

Tony Suresh

... Petitioner

Vs

Om Muruga Enterprises,
Represent By Its Proprietor
Mr.C.Ponnuswamy

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to exempt the petitioner from surrendering pursuant to the impugned Judgment dated 28.02.2025 made in Criminal Appeal No.373 of 2023 on the file XV Additional City Civil Court at Chennai, confirming the conviction and sentence dated 06.06.2023 made in C.C.No.2096 of 2020 by the Learned XX Metropolitan Magistrate, Allikulam, Chennai pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.S.Dharmakkan

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the Lower Court pursuant to the impugned Judgment dated 28.02.2025 made in Criminal Appeal No.373 of 2023 on the file of the XV Additional City Civil Court at Chennai, confirming the



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conviction and sentence dated 06.06.2023 made in C.C.No.2096 of 2020 by the
XX Metropolitan Magistrate, Allikulam, Chennai.

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.2096 of 2020 on the file of the XX Metropolitan Magistrate, Allikulam, Chennai. 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 six months simple imprisonment and to pay a compensation of Rs.6,00,000/- with interest at the rate of 6%. Aggrieved by same, the petitioner preferred an appeal in Crl.A.No.373 of 2023 on the file XV Additional City Civil Court at Chennai 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.



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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



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The XV Additional City Civil Court at Chennai.
2. The XX Metropolitan Magistrate,
Allikulam, Chennai.
3. The Public Prosecutor,
High Court, Madras.

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