



Crl.M.P.No.9992 of 2025 in Crl.R.C.No.604 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.9992 of 2025
in Crl.R.C.No.604 of 2025

Selvaraj

... Petitioner

Vs

M.Muthusamy

... 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 21.02.2025 made in Crl.A.No.224 of 2023 passed by the Learned II Additional District and Sessions Judge, Salem in confirming the Judgment of the Trial Court dated 04.09.2023 in STC.No.761 of 2019 passed by learned Munsif cum Judicial Magistrate, Vazhapadi, Salem District, wherein convicted the petitioner u/s.138 Negotiable Instruments Act and sentencing him into undergo six Months simple imprisonment and with modification to pay compensation a sum of Rs.3,47,311/-.

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 21.02.2025 made in Crl.A.No.224 of 2023 passed by the Learned II Additional District and Sessions Judge, Salem, thereby confirming the Judgment of the Trial Court dated 04.09.2023 in STC.No.761 of 2019 passed by learned District Munsif cum Judicial Magistrate, Vazhapadi, 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 STC.No.761 of 2019, on the file of the District Munsif cum Judicial Magistrate, Vazhapadi, 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 six months simple imprisonment and to pay a compensation of Rs.6,94,622/-. Aggrieved by same, the petitioner preferred an appeal in Crl.A.No.224 of 2023 on the file of the II



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Additional District and Sessions Judge, Salem and the same was dismissed, confirming the sentence imposed by the Trial Court. However, the compensation imposed by the Trial Court was modified to Rs.3,47,311/-. 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.

mn



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To

1. The II Additional District and Sessions Judge, Salem.
2. The District Munsif cum Judicial Magistrate,
Vazhapadi, Salem District.
3. The Public Prosecutor,
High Court, Madras.

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