



Crl.M.P.No.9996 of 2025 in Crl.R.C.No.605 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.9996 of 2025
in Crl.R.C.No.605 of 2025

Y.Abdul Munaf

... Petitioner

Vs

P.Gunaprakasam

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to exempt the petitioner to surrender before the appellate court on the Judgment dated 14.02.2025 made in C.A.No.20 of 2024 on the file of the Court of II Additional District and Sessions Judge, Tiruchengode confirming the Judgment dated 27.11.2023 made in STC.No.279 of 2020 on the file of the Judicial Magistrate, Kumarapalayam.

For Petitioner : Mr.C.S.Saravanan

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner to surrender before the appellate court by the Judgment dated 14.02.2025 made in C.A.No.20 of 2024, on the file of the Court of II Additional District and Sessions Judge, Tiruchengode, thereby confirming the Judgment dated 27.11.2023 made in STC.No.279 of 2020 on the file of the Judicial Magistrate, Kumarapalayam.

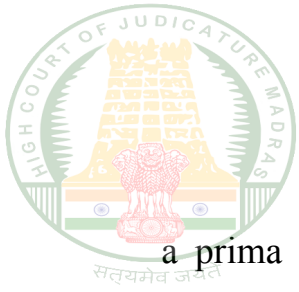


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2. Heard the learned counsel for the petitioner and perused the materials available on record.

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.279 of 2020 on the file of the Judicial Magistrate, Kumarapalayam. 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. Aggrieved by same, the petitioner preferred an appeal in C.A.No.20 of 2024 on the file of the II Additional District and Sessions Judge, Tiruchengode 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 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



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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
($\frac{1}{2}$)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The II Additional District and Sessions Judge, Tiruchengode.
2. The Judicial Magistrate, Kumarapalayam.
3. The Public Prosecutor,
High Court, Madras.

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