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*Crl.M.P.No.10149 of 2025  
in Crl.R.C.No.626 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.10149 of 2025  
in  
Crl.R.C.No.626 of 2025

Benjamin Jacob

... Petitioner

Vs.

1. State Rep. by  
The Public Prosecutor,  
Coimbatore.

2. Venukadevi

... Respondents

**PRAYER:** Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to exempt the surrender of the petitioner in C.A.No.205 of 2020 before the learned I Additional District and Session Judge, Coimbatore and confirming the sentence passed in C.C.No.322 of 2020 dated 16.10.2020, on the file of the learned Judicial Magistrate, Fast Track Judicial Magistrate No.1, Coimbatore.

For Petitioner : Mr.A.Saravanan



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### **ORDER**

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 C.A.No.205 of 2020 passed by the learned I Additional District and Session Judge, Coimbatore, thereby confirming the Judgment of the Trial Court dated 16.10.2020 in C.C.No.322 of 2020 passed by learned Judicial Magistrate, Fast Track Judicial Magistrate No.1, Coimbatore.

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.322 of 2020, on the file of the learned Judicial Magistrate, Fast Track Judicial Magistrate No.1, Coimbatore. After full-fledged trial, the Trial Court convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.12,00,000/-. Aggrieved by same, the petitioner preferred an appeal in Crl.A.No.205 of 2020 on the file of the learned I Additional District and



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Session Judge, Coimbatore 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 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.

10.06.2025  
(2/2)

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
rts



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**G.K.ILANTHIRAIYAN, J.**

rts

To

1. The I Additional District and Session Judge,  
Coimbatore.

2. The Judicial Magistrate,  
Fast Track Judicial Magistrate No.1,  
Coimbatore.

3. The Public Prosecutor,  
Coimbatore.

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