

Crl.M.P.No.10479 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P.No. 10479 of 2025
in Crl.R.C.No. 693 of 2025

1. M/s.GK CNC AXIS Solutions
Represented by Partner,
Mr.K.L.Kumar,
No.154, A/B, Old No.6 A/B,
Ground Floor, Mahatma Gandhi Road,
8th Cross Street, Tass Industrial Estate,
Ambattur Telephone Exchange, Chennai - 600 098.

2. K.L.Kumar
Partner
M/s.GK CNC AXIS Solutions

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Petitioners

Vs

A.Vinod

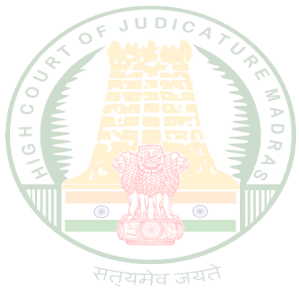
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Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to exempt the second petitioner from surrendering impose upon the petitioner by judgment passed on 14.02.2024 made in S.T.C.No.2684 of 2023 passed by the 25th Metropolitan Magistrate Court, Egmore, Chennai and confirmed by the XV Additional Sessions Judge, Chennai in CA.No.182/2024, dated 21.02.2025.

For Petitioners : Mr.I.Abrar Mohamed Abdullah

ORDER



Crl.M.P.No.10479 of 2025

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This Criminal Miscellaneous Petition has been filed to exempt the second petitioner from surrendering before the Lower Court in pursuant to the Judgment dated 21.02.2025 made in C.A.No.182 of 2024 passed by the Learned XV Additional Sessions Judge, Chennai, thereby confirming the Judgment dated 14.02.2024 in STC.No.2684 of 2023 passed by learned XV Metropolitan Magistrate Court, Egmore, Chennai.

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

3. The petitioners are accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act in STC.No.2684 of 2023, on the file of the XV Metropolitan Magistrate Court, Egmore, Chennai. After full-fledged trial, the Trial Court convicted the second petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay the cheque amount of Rs.10,00,000/- as compensation. Aggrieved by same, the petitioners preferred an appeal in C.A.No.182 of 2024 on the file of the XV Additional Sessions Judge, Chennai



CrI.M.P.No.10479 of 2025

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.

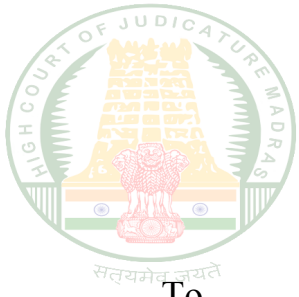
4. Both the Trial Court as well as Appellate Court convicted the second petitioner for the offence under Section 138 of the Negotiable Instruments Act. Without surrendering before the Trial Court, the second petitioner filed this petition seeking exemption from surrender. Therefore, the second petitioner 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.

09.06.2025
(3/3)

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



CrI.M.P.No.10479 of 2025

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To
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1. The XV Additional Sessions Judge, Chennai.
2. The XV Metropolitan Magistrate Court, Egmore, Chennai.

CrI.M.P.No. 10479 of 2025
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09.06.2025
(3/3)