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Crl.M.P No.11567 of 2025 in
Crl.R.C.No.843 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM:

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

Crl.M.P.No.11567 of 2025
in
Crl.R.C.No. 843 of 2025

1.K. Loganathan
2. Manjula

... Petitioners

Versus

Elizabeth Rani @ Elsa Rani (died)

1. R. Kalairani
2. M. Chandrakumar

... Respondents

[The complainants 1st and 2nd are impleaded as the legal heirs of the deceased, viz., Elizabeth Rani @ Elsa Rani]

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to exempt the petitioners from surrendering before the XVII – Metropolitan Magistrate, Saidapet in C.C.No.1310 of 2024.

For Petitioner : Mr. R. Radha Pandian

ORDER



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This Criminal Miscellaneous Petition has been filed to exempt the petitioners from surrendering before the Trial Court in pursuant to the Judgment dated 31.12.2024 made in Crl.A.No.328 of 2023 passed by the V-Additional City Civil Court (FAC), Chennai, thereby confirming the Judgment of the Trial Court order dated 04.05.2023 made in C.C.No.1310 of 2024, passed by the learned XVII – Metropolitan Magistrate, Saidapet in Chennai.

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

3. The petitioners are accused/A1 and A2, in the complaint lodged by the respondents' mother/complainant (since died) for the offences punishable under Sections 471, 420, 120B and 448 of the Indian Penal Code,(IPC) 1860. The same was taken on file in C.C.No.1310 of 2024, before the learned XVII – Metropolitan Magistrate, Saidapet in Chennai. After full-fledged trial, the Trial Court convicted the petitioners as under:

S.No.	Conviction	Sentence
1.	A1 – found guilty of the	(i) Sections 471 & 420 of IPC:



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S.No.	Conviction	Sentence
	offences under Sections 471, 420, 120B and 448 of IPC.	To undergo simple imprisonment for a period of two years, along with fine of Rs.3,000/-, in default to undergo simple imprisonment for three months. (ii) Sections 120B & 448 of IPC: To undergo simple imprisonment for a period of four months, along with fine of Rs.1,000/-, in default to undergo simple imprisonment for one month.
2.	A2 – found guilty of the offences under Sections 120B and 448 of IPC.	(i) Sections 120B & 448 of IPC: To undergo simple imprisonment for a period of four months, along with fine of Rs.1,000/- in default to undergo simple imprisonment for one month.

4. Aggrieved by same, the petitioners preferred an appeal in Crl.A.No.328 of 2023 on the file of the V-Additional City Civil Court (FAC), Chennai, and the same was dismissed, confirming the sentence and order dated 04.05.2023 made in C.C.No.1310 of 2024, passed by the learned XVII – Metropolitan Magistrate, Saidapet in Chennai. Against which, the petitioners have preferred the revision before this Court along with this application to exempt them from surrendering before the Trial Court.

5. Both the Trial Court as well as Appellate Court convicted the petitioners for the offences under Sections 471, 420, 120B and 448 of IPC.



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Without surrendering before the Trial Court, the petitioners filed this petition seeking exemption from surrender. Therefore, the petitioners 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 Trial Court.

6. Accordingly, this Criminal Miscellaneous Petition is dismissed.

20.06.2025
(1/2)

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

klt

To

1. The V-Additional City Civil Court (FAC), Chennai.
2. The XVII – Metropolitan Magistrate, Saidapet in Chennai.



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G.K.ILANTHIRAIYAN, J.

klt

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