



Crl.M.P.No.10276 of 2025 in Crl.R.C.No.638 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.10276 of 2025
in Crl.R.C.No.638 of 2025

N.Manikandan

... Petitioner

Vs

C.A.Yuvaraj

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to grant an order of exemption from surrendering before the trial court in pursuance to the judgment dated 20.11.2024 made in C.A.No.246 of 2018 on the file of the learned I Additional Session Judge, Erode, confirming the conviction imposed in judgment dated 04.04.2018 made in S.T.C.No.233 of 2017 on the file of the learned Judicial Magistrate Fast Track Court No.1, Erode pending disposal of the above revision petition before this Hon'ble Court.

For Petitioner : Mr.M.Guruprasad

ORDER

This Criminal Miscellaneous Petition has been filed pursuant to the judgment dated 20.11.2024 made in C.A.No.246 of 2018 on the file of the learned I Additional Session Judge, Erode, confirming the conviction imposed in judgment dated 04.04.2018 made in S.T.C.No.233 of 2017 on the file of the



Crl.M.P.No.10276 of 2025 in Crl.R.C.No.638 of 2025

learned Judicial Magistrate Fast Track Court No.1, Erode.

WEB COPY

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 S.T.C.No.233 of 2017 on the file of the Judicial Magistrate Fast Track Court No.1, Erode. 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 to the tune of cheque amount. Aggrieved by same, the petitioner preferred an appeal in C.A.No.246 of 2018 on the file of the learned I Additional Session Judge, Erode 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.



Crl.M.P.No.10276 of 2025 in Crl.R.C.No.638 of 2025

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.

04.06.2025
($\frac{1}{2}$)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



WEB COPY



Crl.M.P.No.10276 of 2025 in Crl.R.C.No.638 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The I Additional Session Judge, Erode.
2. The Judicial Magistrate Fast Track Court No.1,
Erode.
3. The Public Prosecutor,
High Court, Madras.

Crl.M.P.No.10276 of 2025
in Crl.R.C.No.638 of 2025

04.06.2025