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Crl.M.P.No.10808 of 2025 in Crl.R.C.No.733 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

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

Crl.M.P.No.10808 of 2025
in Crl.R.C.No.733 of 2025

Prakash

... Petitioner

Vs

The State Rep By,
The Inspector of Police,
Central Crime Branch,
EDF-II, Teach-IV,
Vepery, Chennai-600 007.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to exempt the petitioner/accused from surrender before the lower court in C.C.No.6095 of 2016 dated 27.06.2024 by the learned Metropolitan Magistrate, CCB and CBCID Metro cases, Egmore, Chennai and confirmed in Crl.A.No.510 of 2024 dated 19.03.2025 by the learned I Additional Sessions Judge, City Civil Court, Chennai.

For Petitioner : Mr.B.A.Chandrasekar
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)



ORDER

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This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the lower court in C.C.No.6095 of 2016 dated 27.06.2024 by the learned Metropolitan Magistrate, CCB and CBCID Metro cases, Egmore, Chennai and confirmed in Crl.A.No.510 of 2024 dated 19.03.2025 by the learned I Additional Sessions Judge, City Civil Court, Chennai.

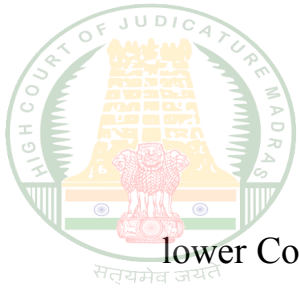
2. Heard both sides and perused the materials available on record.

3. The petitioner is an accused in C.C.No.6095 of 2016, on the file of the Metropolitan Magistrate, CCB and CBCID Metro cases, Egmore, Chennai for the offences punishable under Sections 408, 420, 467, 468 read with Section 471 of IPC. The Trial Court convicted the petitioner for the above said offences. For the offence under Section 408 of IPC, the petitioner was sentenced to undergo simple imprisonment for a period of three years and imposed fine of Rs.2000/-, in default to undergo three months simple imprisonment, for the offence punishable under Section 420 of IPC, the petitioner was sentenced to undergo simple imprisonment for a period of three years and imposed fine of Rs.2000/-, in default to undergo three months simple



imprisonment, for the offence punishable under Section 467 of IPC, the petitioner was sentenced to undergo simple imprisonment for a period of three years and imposed fine of Rs.2000/-, in default to undergo three months simple imprisonment and for the offence under Section 468 read with Section 471 of IPC, the petitioner was sentenced to undergo simple imprisonment for a period of three years and imposed fine of Rs.2000/-, in default to undergo three months simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.510 of 2024 and the same was dismissed by an order dated 19.03.2025, thereby confirming the Judgment and sentence imposed by the Trial Court. Aggrieved by the same, the petitioner preferred a 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 offences punishable under Sections 408, 420, 467, 468 and 471 of IPC. 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.

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5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

12.06.2025
($\frac{1}{2}$)

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



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To

1. The I Additional Sessions Judge,
City Civil Court, Chennai.
2. The Metropolitan Magistrate,
CCB and CBCID Metro cases,
Egmore, Chennai.
3. The Inspector of Police,
Central Crime Branch,
EDF-II, Teach-IV,
Vepery, Chennai-600 007.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

mn

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12.06.2025