



Crl.M.P.No.10429 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. 10429 of 2025
in Crl.R.C.No. 685 of 2025

D.Karunanidhi

... Petitioner

Vs

G.Shivaji

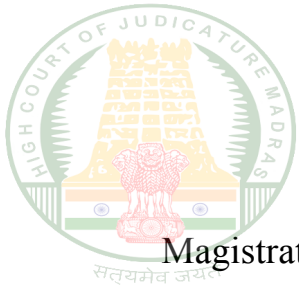
... Respondent

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 pursuant to the judgment dated 13.02.2025 made in C.A.No.27 of 2024 on the file of the Ld. Additional District and Sessions Court, Dharmapuri, confirming the judgment dated 05.04.2024 made in STC No.27 of 2020 on the file of the Ld. Judicial Magistrate-Fast Track Court, Dharmapuri pending disposal of the above Revision Petition.

For Petitioner : Mr.N.Manokaran

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the Lower Court in pursuant to the Judgment dated 13.02.2025 made in C.A.No.27 of 2024 passed by the Learned Additional District and Sessions Court, Dharmapuri, thereby confirming the Judgment dated 05.04.2024 in STC.No.27 of 2020 passed by learned Judicial



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Magistrate-Fast Track Court, Dharmapuri.

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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 STC.No.27 of 2020, on the file of the Judicial Magistrate-Fast Track Court, Dharmapuri. 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 one year simple imprisonment and to pay the cheque amount of Rs.10,00,000/- as compensation. Aggrieved by same, the petitioner preferred an appeal in C.A.No.27 of 2024 on the file of the Additional District and Sessions Court, Dharmapuri 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.



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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.

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(3/3)

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

Lpp

To

1. The Additional District and Sessions Court, Dharmapuri
2. The Judicial Magistrate-Fast Track Court, Dharmapuri.

G.K.ILANTHIRAIYAN. J.



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