



Crl.M.P.No.15950 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2025

CORAM:

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

Crl.M.P.No. 15950 of 2025
in Crl.R.C.No. 1518 of 2025

Elumalai

... Petitioner

Vs

The State Rep by
The Inspector of Police,
V5, Thirumangalam Traffic Investigation,
Chennai.
Crime No.206/Tm2/2019

.... 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 learned VI Metropolitan Magistrate, Egmore, Chennai in C.C.No.8533/2019 dated 07.02.2024 and confirmed by the learned I Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.168 of 2024 dated 17.03.2025.

For Petitioner : Mr.U.Kathiravan

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the learned VI Metropolitan Magistrate, Egmore, Chennai in C.C.No.8533/2019 dated 07.02.2024 and confirmed by the



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learned I Additional Sessions Judge, City Civil Court, Chennai in Crl.A.No.168 of 2024 dated 17.03.2025.

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 304(A) of IPC in C.C.No.8533 of 2019, on the file of the VI Metropolitan Magistrate, Egmore, Chennai. After full-fledged trial, the Trial Court convicted the petitioner for the offence punishable under Section 304(A) of IPC and sentenced him to undergo six months simple imprisonment. Aggrieved by same, the petitioner preferred an appeal in Crl.A.No.168 of 2024 dated 17.03.2025 on the file of the I Additional Sessions Judge, City Civil Court, Chennai, confirming the sentence imposed by the Trial Court and also convicted the petitioner for the offence under Sections 134(b) read with Section 187 of M.V Act. 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 304(A) of IPC and not only that the Appellate Court had also convicted the petitioner for the offence under Sections 134(b) read with Section 187 of M.V 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.

21.08.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

Sma

To

1. VI Metropolitan Magistrate, Egmore, Chennai

2. I Additional Sessions Judge, City Civil Court, Chennai



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G.K.ILANTHIRAIYAN. J.

Sma

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