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Crl.M.P.No.16115 of 2025 in Crl.R.C.No.1549 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM:

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

Crl.M.P.No.16115 of 2025
in Crl.R.C.No.1549 of 2025

A.Seetharaman

... Petitioner

Vs

M.K.Ganesh

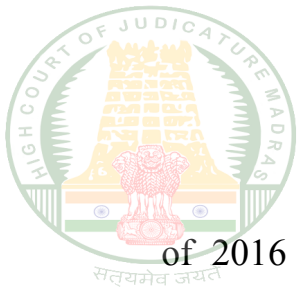
... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to grant exemption of surrender in C.A.No.314 of 2023, on the file of the learned XVII Additional District & Sessions Judge, Chennai dated 02.08.2025 confirmed the judgment in C.C.No.4605 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court – I, Alikulam, Chennai, dated 09.05.2023.

For Petitioner : Mr.M.Murali

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the Lower Court in pursuant to the Judgment dated 02.08.2025 made in C.A.No.314 of 2023 passed by the Learned XVII Additional District and Sessions Judge, Chennai, thereby confirming the Judgment of the Trial Court dated 09.05.2023 in C.C.No.4605

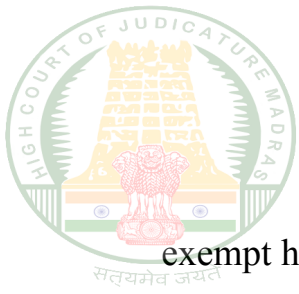


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of 2016 passed by learned Metropolitan Magistrate, Fast Track Court – I,
Alikulam, Chennai.

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 C.C.No.4605 of 2016, on the file of the Metropolitan Magistrate, Fast Track Court – I, Alikulam, Chennai. 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 two years simple imprisonment and to pay a compensation of double the cheque amount calculating the amount mentioned in the complaint within one month. In default to undergo simple imprisonment of six months. Aggrieved by same, the petitioner preferred an appeal in C.A.No.314 of 2023 on the file of the XVII Additional District and Sessions Judge, Chennai, 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



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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.

26.08.2025
(¹/₂)

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

G.K.ILANTHIRAIYAN. J.



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To

1.The XVII Additional District & Sessions Judge,
Chennai.

2. The Metropolitan Magistrate,
Fast Track Court – I, Alikulam,
Chennai.

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in Crl.R.C.No.1549 of 2025

26.08.2025
(½)