

CRL MP(MD) NO. 14528 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15-10-2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

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CRL MP(MD) NO. 14528 of 2025

IN

CRL RC(MD) NO. 1337 OF 2025

Chelladurai

S/o.Nataraj Devar, Udayarkulam North Street, Naduvakurichi,
Palayamkottai, Tirunelveli District.

Petitioner(s)

Vs

The Inspector of Police,
Seitunganallur Police Station,
State represented by the Prevention of Idol Theft Cell,
Southern Region,
Tirunelveli Zone.
(Crime No. 379/2004)

Respondent(s)

Prayer:

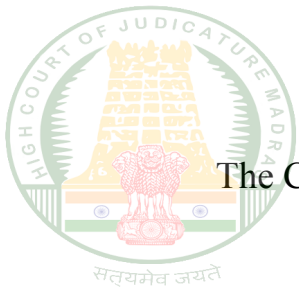
To Exempt the petitioner to surrender in pursuance of the Judgment in C.C.No. 4/2020 dated 27.02.2023 on the file of the Learned Additional Chief Judicial Magistrate, Kumbakonam and confirmed in C.A.No.75/2023 on the file of the Honble Additional District and Sessions Court (Fast Track Court), Kumbakonam.

For Petitioner(s):

Mr.S.Poornachandran

For Respondent(s):

Mr.A.S.Abul Kalam Azad
Government Advocate



ORDER

The Criminal Revision Case has been filed with the following prayer:-

“to call for the records of the judgment dated 13.08.2025 passed in C.A.No.75/2023 on the file of the Honble Additional District and Sessions Court (Fast Track Court), Kumbakonam, confirming the judgment in C.C.No. 4/2020 dated 27.02.2023 on the file of the learned Additional Chief Judicial Magistrate, Kumbakonam.”

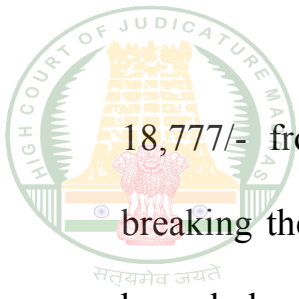
2.The present Criminal Miscellaneous Petition has been filed with the following prayer:-

“to exempt the petitioner to surrender in pursuance of the judgment in CC.No.4 of 2020 dated 07.02.2023 on the file of the learned Additional Chief Judicial Magistrate, Kumbakonam and confirmed in C.A.No.75 of 2023 on the file of the Hon'ble Additional District and Sessions Court (Fast Track Court), Kumbakonam.”

3.Heard Mr.S.Poornachandran, learned counsel for the petitioner and Mr.A.S.Abul Kalam Azad, learned Government Advocate learned counsel for the respondent.

4.The facts of the case, in a nutshell, which led to filing of the Criminal Revision Case bearing Crl.R.C.(MD) No.1337 of 2025, are as follows:-

i) On 29.09.2004, at about 02.00 am., the petitioner/first accused along with other accused has stolen the Idols of Natarajar, Sivagami Ammal and Devi worth about Rs.



18,777/- from Somasundhareswarar Nithya Kalyani Amman Temple, Serakulam, by breaking the lock of the Temple. On knowing about the theft of Idols, a complaint has been lodged by one Ayyappan before the Inspector of Police, Seithunganallur Police Station. The respondent police, after completing the investigation, has filed the final report against the petitioner and other accused and the case was taken on file in C.C.No.4 of 2020 by the learned Additional Chief Judicial Magistrate, Kumbakonam.

ii) The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment dated 07.02.2023 convicting the petitioner and sentencing him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment for the offences under Sections 380(2) IPC and to undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 3 months simple imprisonment for the offences under Section 457(2) IPC.

iii) Challenging the above said conviction and sentence, the petitioner has preferred appeal in C.A.No.75 of 2023 on the file of the Additional District and Sessions Judge, (Fast Track Court), Kumbakonam. The learned Additional District and Sessions Judge, (Fast Track Court), Kumbakonam, by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the same, the petitioner has preferred the Criminal Revision Case along with the present Miscellaneous Petition bearing CMP.(MD) No.14528 of 2025 to grant exemption to the petitioner to surrender before the trial Court.



5.Mr.S.Poornachandran, learned Counsel for the petitioner submits that the trial Court has convicted petitioner on erroneous consideration, preponderance of probability and based on surmises, conjectures. He further submits that it is well settled law that the burden of proof completely lies on the prosecution only. But, in this case, the prosecution has miserably failed to prove the case. However, the trial Court without considering this vital factor passed the order of conviction as against the petitioner and the appellate Court also confirmed the findings of the trial Court. He further submits that the petitioner has been falsely implicated in the above case without any iota of truth or supporting evidence. Hence, he prays this Court to grant exemption to the petitioner to surrender before the Additional Chief Judicial Magistrate Court, Kumbakonam, till the application for suspension of sentence and bail filed by the petitioner is considered by this Court.

6.Mr.A.S.Abul Kalam Azad, learned Government Advocate, who accepts notice on behalf of the respondent submits that the accused stands charged with the theft of a sacred idol, a cultural artifact of immense significance to the community. He further submits that the accused deliberately and calculatedly committed the offense, causing irreparable harm to the community. It was further submitted that the petitioner has been convicted by the learned Additional Chief Judicial Magistrate, Kumbakonam, by considering the material facts, which was also confirmed by the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam. Thus, he opposes the present application for grant of exemption to the petitioner to surrender before the Additional Chief Judicial Magistrate Court, Kumbakonam.



7. After considering the arguments, as advanced by the learned Counsel for the parties and after perusal of the judgment passed in C.C.No.4 of 2020 dated 07.02.2023 on the file of the learned Additional Chief Judicial Magistrate, Kumbakonam and the judgment passed in C.A.No.75 of 2023 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, and also after perusal of the affidavit filed in support of the present application, this Court is of the view that the petition lacks sufficient grounds to warrant consideration by this Court and the petitioner has failed to demonstrate any valid reason for exemption from surrender. Further, no valid cause has been shown in the affidavit filed in support of the present application to exempt the petitioner from surrendering before the trial Court and the grounds urged in the petition are also not substantiated by evidence or legal precedent. This Court is also of the view that no extraordinary circumstances have been presented that would justify granting the exemption and the petitioner's request is also not supported by adequate evidence or legal basis.

8. Accordingly, this Criminal Miscellaneous Petition is finally dismissed, as this Court finds no merit in the prayer made and the petition lacks merit.

15-10-2025

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To

1.The Additional Chief Judicial Magistrate, Kumbakonam.

2.The Additional District and Sessions Judge,(Fast Track Court),
Kumbakonam.

3.The Inspector of Police,
Seitunganallur Police Station,
State represented by the Prevention of Idol Theft Cell,
Southern Region,
Tirunelveli Zone.

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SHAMIM AHMED, J.

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