



CRL MP(MD) NO. 14775 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-10-2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL MP(MD) NO. 14775 of 2025

IN

CRL RC(MD) NO. 1346 OF 2025

T.Udayakumar

S/o. Thangaswamy Nadar, No. 22/225, Vattavai, Edalakudy
Post, Kanyakumari District.

Petitioner(s)

Vs

G.Kalyanasundaram

S/o. Ganapathy, No.3/135, Ariyaperumal Colony, Puthalam Post,
Kanyakumari District.

Respondent(s)

Prayer: To exempt from surrender in connection with the above said Judgment dated 05.08.2025 passed in Crl. A. No. 20 of 2019 on the file of the Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil confirming the Judgement dated 04.01.2019 passed in S.T.C. No. 842 of 2018 on the file of the Fast Track Court, (Magisterial Level), Nagercoil.

For Petitioner(s):

Mr.S.Alagusundar

ORDER

This Criminal Miscellaneous Petition has been filed to exempt from surrender in connection with the above said Judgment dated 05.08.2025 passed in Crl. A. No. 20 of 2019 on the file of the Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil confirming the Judgement dated 04.01.2019 passed in S.T.C. No. 842 of 2018 on the file of the Fast Track Court, (Magisterial Level), Nagercoil.



2. The Criminal Revision Petition has been filed against the judgment dated 05.08.2025 passed in Crl.A.No. 20 of 2019 on the file of the Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil, confirming the Judgement dated 04.01.2019 passed in S.T.C. No. 842 of 2018 on the file of the Fast Track Court, (Magisterial Level), Nagercoil, whereby the Trial Court convicted and sentenced the Revision Petitioner for the offence under Section 138 of Negotiable Instruments Act, to undergo simple imprisonment for six months and to pay a compensation of Rs.1,20,000/- (Rupees One Lakh and Twenty Thousand only) towards cheque amount to the Respondent, within two months in default of payment, to undergo simple imprisonment for one month and the same was confirmed by the lower Appellate Court vide order dated 05.08.2025. Challenging the above conviction and sentence, the Revision Petitioner has filed Criminal Revision Petition in Crl.RC(MD)No.1346 of 2025 along with the instant miscellaneous petition, seeking suspension of sentence and bail.

3. Heard Mr.S.Alagusundar, learned Counsel for the Revision Petitioner.

4. The learned Counsel for the Petitioner submits that the Revision Petitioner hails from a very poor family and has a son and daughter studying in college. Her husband is employed as a supplier in a hotel. Being a woman, it is difficult for her to eke out her livelihood. Hence, he prays that this Court may be pleased to grant an exemption to the Revision Petitioner from surrendering before the Fast Track Court (Magisterial Level), Nagercoil, until the application for suspension of sentence and bail filed by the Revision Petitioner is considered by this Court.



5. After considering the arguments, as advanced by the learned Counsel for the parties and after perusal of the judgment dated 05.08.2025 passed in CrI.A.No. 20 of 2019 on the file of the Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil, confirming the Judgement dated 04.01.2019 passed in S.T.C. No. 842 of 2018 on the file of the Fast Track Court, (Magisterial Level), Nagercoil, 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 Revision 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 Revision 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 Revision Petitioner's request is also not supported by adequate evidence or legal basis.

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

17-10-2025

Nsr



To:

1.The Judge, Sessions Fast Track Mahila Court, Kanyakumari
at Nagercoil.

2.The Judge, Fast Track Court, (Magisterial Level), Nagercoil.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.





WEB COPY



SHAMIM A

Nsr

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