



Crl.M.P.(MD)No.9796 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.05.2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL MP(MD) NO. 9796 of 2026

IN

CRL A(MD) NO. 560 of 2026

A.Perumayee

... Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.
(Crime No.313/2016)

... Respondent

PRAYER: This Criminal Miscellaneous Petition is filed under Section 389(1) of the Code of Criminal Procedure, to grant exemption from surrender to petitioner/accused as against the judgment passed by the learned Communal Clash Cases in Southern District, Madurai, in C.C.No.30 of 2018 by a judgment dated 28.04.2026, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.N.Mani Maran

For Respondent : Mr.S.Prakash
Government Advocate (Crl. Side)



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ORDER

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This Criminal Miscellaneous Petition has been filed to grant exemption from surrender to petitioner/accused as against the judgment passed by the learned Communal Clash Cases in Southern District, Madurai, in C.C.No.30 of 2018 by a judgment dated 28.04.2026, pending disposal of the above Criminal Appeal.

2.The petitioner, who was the accused in C.C.No.30 of 2018 on the file of the learned Communal Clash Cases in Southern District, Madurai, was convicted and sentenced as follows on 28.04.2026:-

Accused	Provision under which convicted	Sentence
A.Perumayee (accused)	Section 8(C) r/w 20(b)(ii) (B) of NDPS Act	undergo 7 years rigorous imprisonment and to pay a fine of Rs.75,000/-, in default, to undergo two years simple imprisonment

3.Challenging the above said conviction and sentence, the petitioner has filed Crl.A(MD) No.560 of 2026 along with the instant miscellaneous petition seeking exemption to surrender.



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4.The learned counsel appearing for the petitioner would submit that the contraband recovered in this petition is not a commercial quantity and the petitioner is aged about 80 years old and she is suffering various ailments. He would further submit that the petitioner has raised substantial grounds in above appeal, which requires consideration; and that he also paid fine amount as per the order of trial Court. Hence, he prayed for granting exemption to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police has opposed the submissions made by the learned counsel for the petitioner and submits that the judgments passed by both the Courts are as per law after considering the entire evidence, thus the relief sought by the petitioner at this stage be refused by this Court. He would further submit that one previous case is pending against the petitioner.

6.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. Considering the fact that there are arguable points raised in the appeal and taking into consideration, facts and circumstances of the case and that it is



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likely to take a while before the appeal is finally heard, this Court is inclined to exempt the petitioner from surrendering before the trial Court till the disposal of the above Criminal Appeal.

8. Accordingly, this Criminal Miscellaneous Petition is allowed.

07.05.2026

vsg

To

1. The learned Court for Communal Clash Cases in Southern District,
Madurai.

2. The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.

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

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S.SRIMATHY, J.,

vsg

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in
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