



*Crl.M.P.(MD)No.9804 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. 9804 of 2026**

**IN**

**CRL A(MD) NO. 561 of 2026**

1.Mahendran  
2.Balasubramani  
3.Elakkiya

... Petitioners

**Vs.**

1.The State of Tamilnadu,  
Rep. by the Inspector of Police,  
Veerapandi Police Station,  
Theni District.  
(Crime No.515/2019)

2.G.Vinothini

... Respondents

**PRAYER:** This Criminal Miscellaneous Petition is filed under Section 389(1) of the Code of Criminal Procedure, to grant exemption from surrender to petitioners/accused as against the judgment passed by the learned District and Sessions Judge, Theni, in Crl.A.(MD).No.82 of 2025 by a judgment dated 22.04.2026 pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.A.Joseph Jerry

For Respondent : Mr.S.Prakash (for R1)  
Government Advocate (Crl. Side)  
Mr.A.K.Manikkam (for R2)

### **ORDER**

This Criminal Miscellaneous Petition has been filed to grant exemption from surrender to petitioners/accused as against the judgment passed by the learned District and Sessions Judge, Theni, in Crl.A.(MD).No.82 of 2025 by a judgment dated 22.04.2026 pending disposal of the above Criminal Appeal.

2.The petitioners, who was A1 to A3 in C.C.No.189 of 2020 on the file of the learned Additional Mahila Court, Theni, was convicted and sentenced as follows on 20.02.2023:-

| Accused        | Provision under which convicted | Sentence                                                                                                            |
|----------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Mahendran (A1) | Section 294(b) of IPC           | Undergo 3 months simple imprisonment                                                                                |
|                | Sections 323 and 506(i) of IPC  | Undergo one 1 year simple imprisonment                                                                              |
|                | Section 4 of TNPHW Act          | Undergo 1 year simple imprisonment and to pay fine of Rs.10,000/- in default to undergo 1 month simple imprisonment |



|                    |                       |                                          |
|--------------------|-----------------------|------------------------------------------|
| Balasubramani (A2) | Section 294(b) of IPC | Undergo 3 months Simple Imprisonment     |
|                    | Section 342 of IPC    | Undergo one year Simple Imprisonment     |
| Elakkiya (A3)      | Section 294(b) of IPC | Undergo three months Simple imprisonment |

3.Challenging the above said conviction and sentence, the petitioner has filed Crl.A(MD) No.561 of 2026 along with the instant miscellaneous petition seeking exemption to surrender.

4.The learned counsel appearing for the petitioner would submit that the trial Court acquitted the petitioners, but it was over turned by the Appellate Court. 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



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petitioner at this stage be refused by this Court.

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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 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



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1.The learned District and Sessions Judge, Theni.

2.The Inspector of Police,  
Veerapandi Police Station,  
Theni 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**  
**CRL A(MD)No.561 of 2026**

**07.05.2026**