

ITEM NO.1713

COURT NO.16

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 11854/2026

P. THANGARASU

PETITIONER(S)

VERSUS

S. NALLAGOUNDER

RESPONDENT(S)

(IA No. 74317/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 74318/2026 - EXEMPTION FROM FILING O.T.

IA No. 74321/2026 - EXEMPTION FROM SURRENDERING WITHIN TIME)

Date : 17-03-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PRASANNA B. VARALE  
[IN CHAMBER]

For Petitioner(s) : Mr. Ninad Laud, Adv.  
Mr. Dcosta Ivo Manuel Simon, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

IA No. 74321/2026

The learned counsel for the petitioner submits that the petitioner was arrayed as accused in an offence under Section 138 of the Negotiable Instruments Act, 1881. The learned Trial Court on appreciation of evidence found the petitioner not guilty and the acquittal was recorded in favour of the petitioner, whereas the learned High Court in its judgment and order reversed the judgment of the Trail Court and hold the petitioner guilty.

2. The learned counsel for the petitioner submits that the petitioner has raised substantial ground in challenge to the

judgment and order of the High Court. Apart from these grounds, the learned High Court seriously erred in enhancing the sentence without there being any such an application or even an oral prayer and the judgment and order impugned in the present petition show that the matter was listed only under the caption being mentioned. The impugned judgment then further shows that no opportunity for advancing the submission insofar as the enhancement of sentence and as such such enhancement in the sentence causes a serious prejudice to the petitioner is the submission.

3. Learned counsel further submits that the petitioner was enlarged on bail and there is nothing on record to show that the petitioner misused the liberty granted to him. On these grounds, the petitioner prays for exemption from surrendering. The petitioner is exempted from surrendering till the next date of hearing the matter before the Court. Accordingly, the application seeking exemption from surrender is allowed.

(JAGDISH KUMAR)  
ASTT. REGISTRAR-cum-PS

(AKSHAY KUMAR BHORIA)  
COURT MASTER (NSH)