



CRL MP No.22923 of 2025 in
CRL RC NO.2580 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01-12-2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP No.22923 of 2025

in Crl.R.C.No.2580 of 2025

N.Nemichand
S/o.Nagaraj,
No.53/23,
Thandavarayan Gramani Estate,
Tondiarpet, Chennai - 600 081.

...Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Central Crime Branch (CCB),
Vepery, Chennai - 600 007.
(Crime No.817/2005)

...Respondent/Complainant

PRAYER : This Criminal Miscellaneous Petition has been filed under Section 438(1) of BNSS, 2023, to order the execution of the sentence passed against the petitioner in C.C.No.5713 of 2023 in the Judgment dated 22.02.2024 passed by the Hon'ble Metropolitan Magistrate Court for exclusive trial of CCB Cases, Egmore, Chennai and confirmed in C.A.No.218 of 2024 by the Hon'ble XXII Additional Sessions Court, Allikulam at Chennai be suspended and the petitioner to be released on bail, pending disposal of the above Crl.R.C.No.2580 of 2025.



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For Petitioner: Mr.M.Arvind Kumar

For Respondent(s): Dr.C.E. Pratap
Government Advocate
(Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned XXII Additional Sessions Court, Allikulam, Chennai, dated 29.10.2025 in C.A.No.218 of 2024, confirming the Judgment passed by the learned Metropolitan Magistrate Court for exclusive trial of CCB Cases, Egmore, Chennai, in C.C.No.5713 of 2023 dated 22.02.2024, pending disposal of the above Criminal Revision.

2. The gist of the allegation is that the petitioner had executed a Settlement Deed No.3670 of 2024, dated 19.11.2004, in respect of a property which belongs to the *de-facto* complainant.

3. The petitioner/accused in C.C.No.5713 of 2023 was convicted by the Trial Court by Judgment dated 22.02.2024 for the offences under Sections 420, 465 and 471 r/w 468 of IPC and sentenced to undergo 3 years of rigorous imprisonment and to pay a fine of Rs.3,000/- in default, to



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undergo three months rigorous imprisonment for the offence under Section 420 of I.P.C, and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.3,000/-, in default, to undergo three months rigorous imprisonment for the offence under Section 465 of IPC and sentenced to undergo three years of rigorous imprisonment and to pay a fine of Rs.3,000/- in default, to undergo three months rigorous imprisonment for offence under Section 471 r/w 468 of I.P.C.

4. Aggrieved by the same, the petitioner/accused preferred an appeal in Crl.A.No.218 of 2024 before the learned XXII Additional Sessions Judge, Allikulam, Chennai. The learned Sessions Judge, by Judgment dated 29.10.2025, dismissed the appeal, confirming the conviction and sentence passed by the trial Court, against which he filed Crl.R.C.No.2580 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence.

5. Mr.M.Arvind Kumar, the learned counsel for the petitioner, would submit that the allegations, at best, even if the prosecution case is accepted to be true, would suggest that the petitioner had made a false claim of title, and the facts would be covered by the Judgment of the Hon'ble Supreme Court in



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SCC 751 and prayed for suspension of sentence.

6. Heard the learned counsel for the petitioner as well as the Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

7. Considering the submissions made by the learned counsel for the petitioner and the fact that the petitioner has made out a *prima facie* case, this court is inclined to grant the relief of suspension of sentence to the petitioner.

8. Accordingly, the criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal Revision :

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Metropolitan Magistrate, for exclusive trial of CCB cases, Egmore, Chennai;



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(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

01-12-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

WEB COUNCIL

- 1.The XXII Additional Sessions Judge,
Allikulam, Chennai.
- 2.The Metropolitan Magistrate
For exclusive trial of CCB Cases,
Egmore, Chennai.
- 3.The Inspector of Police,
Central Crime Branch (CCB),
Vepery, Chennai - 600 007.



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SUNDER MOHAN, J.

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