



Crl.M.P.Nos.1970 and 1972 of 2026
in Crl.R.C.No.279 of 2026

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.1970 and 1972 of 2026
in
Crl.R.C.No.279 of 2026

S.Rajesh

...Petitioner/A2

-VS-

State Represented by
The Sub Inspector of Police,
Central Crime Branch,
Vepery, Chennai.
Crime No.657 of 2022

...Respondent

PRAYER in Crl.M.P.No.1970 of 2026: Criminal Miscellaneous Petition filed under Section 430 of BNSS Act, 2023, praying to suspend the sentence passed in C.C.No.2878 of 2006 dated 18.03.2021 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB, CBCID (Metro Wing) Egmore, Chennai, which was confirmed by the learned III Additional Sessions Court, Chennai, in Crl.A.No.74 of 2021 dated 08.01.2026 and enlarge the petitioner on bail pending disposal of the above criminal revision petition.



Crl.M.P.Nos.1970 and 1972 of 2026
in Crl.R.C.No.279 of 2026

PRAYER in Crl.M.P.No.1972 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrendering in connection with C.C.No.2878 of 2006 dated 18.03.2021 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB, CBCID (Metro Wing), Egmore, Chennai, which was confirmed by the learned III Additional Sessions Court, Chennai, in Crl.A.No.74 of 2021 dated 08.01.2026.

For Petitioner : Mr.R.Vivekananthan
For Respondent : Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the III Additional Sessions Court, Chennai, in Crl.A.No.74 of 2021 dated 08.01.2026, confirming the judgment of the learned Magistrate convicting the petitioner for the following offences:

Rank of the accused	Conviction under Sections	Sentence awarded
	417 IPC	To undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, and in default, to undergo simple imprisonment for three months.



Crl.M.P.Nos.1970 and 1972 of 2026
in Crl.R.C.No.279 of 2026

WEB COPY

A2	420 IPC	To undergo simple imprisonment for three years and to pay a fine of Rs.2,000/-, and in default, to undergo simple imprisonment for six months.
	465 IPC	To undergo simple imprisonment for two years and to pay a fine of Rs.2,000/-, and in default, to undergo simple imprisonment for six months.
	468 IPC	To undergo simple imprisonment for two years and to pay a fine of Rs.2,000/-, and in default, to undergo simple imprisonment for six months.
	471 IPC	To undergo simple imprisonment for two years and to pay a fine of Rs.2,000/-, and in default, to undergo simple imprisonment for six months.

2. Aggrieved by the same, he filed Crl.R.C.No.279 of 2026 before this Court, and the instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above Criminal Revision Case.



Crl.M.P.Nos.1970 and 1972 of 2026
in Crl.R.C.No.279 of 2026

WEB COPY

3. The case of the prosecution is that the petitioner, who is arrayed as A2, with the intention to grab the property of the de facto complainant and by claiming ownership over the property belonging to the de facto complainant, had obtained Powers of Attorney from various persons and prosecuted cases against the de facto complainant. It is further alleged that the said documents are bogus and, hence, the petitioner is liable for the aforesaid offences.

4. The learned counsel for the petitioner submitted that the Courts below have overlooked the fact that the principals in all the Power of Attorney documents have not challenged the execution of the Powers of Attorney and that they are the rival claimants to the property said to be belonging to the de facto complainant. The learned counsel further submitted that the only allegation made by the de facto complainant is that the principals of the petitioner had made a false claim of title, which does not constitute any of the alleged offences. It is also submitted that civil suits are pending between the parties in respect of the said property.

5. Heard the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.



Crl.M.P.Nos.1970 and 1972 of 2026
in Crl.R.C.No.279 of 2026

WEB COPY

6. From the charges and the materials available on record, it is seen that the allegation of the de facto complainant is that the petitioner is the power agent of certain persons who claimed title over the property said to be belonging to the de facto complainant. It is not the case of the de facto complainant that the principals who executed the Powers of Attorney had denied their execution or alleged that their signatures were forged. The allegations are only with regard to a false claim of title.

7. It is well settled that such a claim would not constitute the offences of forgery or cheating unless there is deception practised upon the victim.

8. Hence, this Court finds that there are substantial grounds raised in the above revision which require consideration, and since the revision is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

9. Accordingly, this Criminal Miscellaneous Petition stands **allowed**; the sentence imposed on the petitioner is suspended and the petitioner is exempted from surrendering before the Trial Court till the disposal of the above criminal



Crl.M.P.Nos.1970 and 1972 of 2026
in Crl.R.C.No.279 of 2026

revision case. The petitioner shall be released on bail subject to the following conditions:

- (i)The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties, each for a like sum to the satisfaction of the learned Metropolitan Magistrate for Exclusive Trial of CCB, CBCID (Metro Wing), Egmore, Chennai;
- (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 revision 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.

05.02.2026
(2/2)

cda



WEB COPY



Crl.M.P.Nos.1970 and 1972 of 2026
in Crl.R.C.No.279 of 2026

To

- 1.The III Additional Sessions Court, Chennai.
- 2.The Metropolitan Magistrate for Exclusive Trial of CCB,
CBCID (Metro Wing), Egmore, Chennai.



WEB COPY



Crl.M.P.Nos.1970 and 1972 of 2026
in Crl.R.C.No.279 of 2026

SUNDER MOHAN, J.

cda

**Crl.M.P.Nos.1970 and 1972 of 2026
in
Crl.R.C.No.279 of 2026**

**05.02.2026
(4/4)**