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Crl.M.P.No.415 of 2



Crl.R.C.No.54 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.415 of 2026

in

Crl.R.C.No.54 of 2026

Mr.M.Gnanasekaran
S/o.P.C.Murugaiyan,
MIG-2, No.30, 4th Main Road,
Kottur Garden,
Kottur,
Chennai – 600 085.

..Petitioner/A1

Vs

The State rep by
The Inspector of Police
E-8, Kelambakkam Police Station,
Crime No.578/2015.

...Respondent/Complainant

Prayer : Criminal Miscellaneous Petition filed under Section 438(1) of BNSS, 2023, to suspend sentence passed by the learned Additional District and Sessions Judge, Chengalpattu in Crl.A.No.13 of 2022 dated 27.11.2025 and order passed by the learned Judicial Magistrate No.I, Chengalpattu in CC.No.245 of 2017 dated 29.04.2022 and enlarge the petitioner on bail pending disposal of Crl.R.C.No.54 of 2026.



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For Petitioner :

Mr.C.K.Chandrasekhar

For Respondent:

Mr.R.Vinoth Raja
Government Advocate (Criminal Side)**ORDER**

The petitioner has preferred the above revision challenging the Judgment passed by the learned Additional District and Sessions Judge, Chengalpattu, in Crl.A.No.13 of 2022 dated 27.11.2025, confirming the Judgment of the learned Judicial Magistrate No.I, Chengalpattu, in C.C.No.245 of 2017 dated 29.04.2022 convicting the petitioner/A1 for the offences under Sections 419, 465 and 468 of the Indian Penal Code, 1860 (hereinafter referred to as the **IPC**) and sentenced as follows:

Offence under Section	Sentence imposed
Section 419 of the IPC	To undergo imprisonment for two years
Section 465 of the IPC	To undergo imprisonment for two years
Section 468 of the IPC	To undergo imprisonment for two years
To pay a fine of Rs.10,000/- in default to undergo SI for one month.	
The sentences were ordered to run concurrently.	



2. Aggrieved by the same, he filed Crl.RC.No. of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3. It is the case of the prosecution that the petitioner/A1 is a land broker; that the second accused, claiming himself to be Mr. S. Nagarajan, who owned properties along with the *de-facto* complainant, had impersonated and executed a power of attorney in favour of the petitioner/A1, who, on the basis of the said power of attorney, had caused damages to an iron fence and a hut located on the property and thus committed the aforesaid offenses.

4. Mr.C.K.Chandrasekhar, the learned counsel for the petitioner/A1, would submit that the Judgment of the Courts below are liable to be set aside; that the alleged impersonator who was shown as A2 had entered into a compromise with the *de-facto* complainant and the proceedings against him were quashed by this Court in Crl.O.P.No.22054 of 2019 dated 16.08.2019; that since the petitioner/A1 is only an agent, there is no allegation that he had induced the second accused to impersonate as the Mr.S.Nagarajan, who is said to be the owner of the property; and that the impugned Judgments are liable to be set aside, and he prayed for acquittal.



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

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6. Admittedly, the petitioner is only a power agent. He had not executed any document pursuant to the power of attorney executed in his favour. It is also seen that the alleged impersonator, who was arrayed as A2, has entered into the compromise with the *de-facto* complainant. Hence, there is considerable force in the submission made by the learned counsel for the petitioner. The petitioner, therefore, has made a *prima facie* case for suspension of sentence, 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.

7. Accordingly, this criminal miscellaneous petition stands **allowed**, and the sentence imposed on the petitioner is suspended till the disposal of the above criminal revision case, and the petitioner is ordered to be released on bail on 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 Additional District and Sessions Judge, Chengalpattu;



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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 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
(1/2)

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Additional District and Sessions Judge,
Chengalpattu.
2. The Judicial Magistrate No.I,
Chengalpattu.
3. The Inspector of Police
E-8, Kelambakkam Police Station,



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SUNDER MOHAN J.

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