



Crl.MP.No.8477 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.MP.No.8477 of 2023

in

Crl.RC.No.917 of 2019

Yusuf, (M/A 46 years)
S/o.Khader Moideen @ Mohammed Karim
No.10/12, Sivabatham Street
Kennedy Square, Sembium
Chennai 011

... Petitioner

Vs.

The State, Rep. by
The Inspector of Police,
All Women Police Station,
Peravallore,
Chennai 082.

... Respondent

Prayer: Petition filed under Section 389 (i) of Cr.P.C., to suspend the sentence in order dated 12.06.2023 in Crl.R.C.No.917 of 2019 on the file of this Court and enlarge the Petitioner on bail.

For Petitioner : Mr.J.Ashish

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)



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ORDER

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This petition has been filed to suspend the sentence and enlarge the Petitioner on bail.

2.As per the order passed by this Court dated 12.06.2023 in Crl.R.C.No.917 of 2019, the Petitioner was confined at the Puzhal Jail, Puzhal.

3.The case of the prosecution is that PW1/Kouser Fathima and the Petitioner Yusuf got married on 07.10.2001 and in 2004, a son was born to them. While so, the Petitioner harassed his Wife, which lead to filing of C.C.No.5113 of 2011 and the learned Chief Metropolitan Magistrate, Egmore, Chennai, convicted the Petitioner for the offence u/s.498-A IPC and Section 4 & 6 of the Dowry Prohibition Act by Judgment dated 13.10.2015. On Appeal in C.A.No.207/2015, the leaned II Additional Sessions Judge, Chennai, confirmed the conviction on 14.08.2019. Against which, Revision Petition has been preferred with Petition to suspend the sentence imposed in C.A.No.207/2015, and suspension of sentence was granted by this Court on 17.09.2019. After that when the matter was came up before this Court on



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27.04.2023, since there was no representation for the Petitioner, non bailable warrant for production of the Revision Petitioner was ordered and by order dated 12.06.2023, the Revision Petitioner was remanded to judicial custody for a period of 15 days.

4.Today, Mr.M.J.Ashish, learned counsel for the Petitioner appeared for the Petitioner and could submit that the earlier counsel appeared for the Petitioner has already left the practice and he could not appear before this Court and seeks suspension of sentence.

5.The learned Government Advocate has strongly opposed for suspending the sentence.

6.Considering the facts and circumstances of the case that initially suspension of sentence was ordered in Crl.MP.No.13183 of 2019 on 17.09.2019 and it has been complied with. Due to non appearance of learned counsel for the Petitioner for more than four occasions, non bailable warrant was issued, even after that also the learned counsel for the Petitioner has not



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appeared before this Court and made his submission and therefore, the Petitioner was remanded to judicial custody, I am inclined to grant suspension of sentence.

7. Accordingly, till the disposal of the Revision, the substantive sentence of imprisonment alone is suspended, on the following conditions:-

- i. The Petitioner shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Chief Metropolitan Magistrate, Egmore, Chennai, within fifteen days from the date of receipt of a copy of this order.
- ii. The Petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m.

23.06.2023

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To

The Superintendent,
Central Puzhal Prison,
Puzhal.



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RMT.TEEKAA RAMAN, J.,

sai

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in

Crl.RC.No.917 of 2019

Dated 23.06.2023