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CRL MP No. 17580 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP Nos. 17580 & 17582 of 2025

IN CRL RC NO. 1745 OF 2025

Usman Basha

S/o. Mehaboob Basha,

Petitioner(s)

Vs

The Inspector of Police

W30, AWPS,Poonamallee, Crime

No.06/2016.

Respondent(s)

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 430 & 528 of BNSS, praying to suspend the sentence imposed on the appellant the III Additional District and Sessions Judge, Poonamallee in Crl.A.NO.41 of 2024, dated 04.09.2025 modifying the order of Judicial Magistrate No.I, Poonamallee in C.C.NO.237 of 2017 dated 30.01.2024, pending disposal of the above Criminal Appeal.

For Petitioner(s): Mr.R.John Sathyan,
Senior Counsel
M/s.R.Anburaj

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

**COMMON ORDER**

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the III Additional District and Sessions Judge, Poonamallee in Crl.A.NO.41 of 2024, dated 04.09.2025 modifying the order of Judicial Magistrate No.I, Poonamallee in C.C.NO.237 of 2017 dated 30.01.2024, pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in C.C.No.237 of 2017 on the file of the Judicial Magistrate Court No.I, Poonamallee. The accused was convicted for the offences under Section 498A, 406, 506(ii) of IPC and Section 4 of Dowry Prohibition Act and sentenced to undergo rigorous imprisonment of 1 year and imposed fine Rs.5,000/- default sentence 4 months simple imprisonment under Section 498A of IPC, and sentenced to undergo rigorous imprisonment of 6 months and imposed fine Rs.3,000/- default sentence 2 months simple imprisonment under Section 406 IPC and sentenced to undergo rigorous imprisonment of 6 months and imposed fine Rs.1,000/- default sentence 1 month simple imprisonment under Section 506(ii) IPC and sentenced



to undergo rigorous imprisonment of 1 year and imposed fine Rs.1,000/- default sentence 2 months simple imprisonment under Section 4 of Dowry Prohibition Act. Aggrieved by the same, the petitioner had filed appeal in Crl.A.No.41 of 2024 on the file of III Additional District and Sessions Judge, Poonamallee, was modified on 04.09.2025, reversing the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioners submitted that the defacto complainant has already received all her jewels and belongings, and that the parties have since separated. He further submitted that the petitioners are ready to abide by any conditions imposed by the Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing these petitions. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.



5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this Criminal Revision is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioners are ordered to be released on bail, on their executing a separate bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two common sureties each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, Poonamallee.

(b) The petitioners and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank



Pass Books to ensure their identities.

(c) The 1st petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders and 2nd and 3rd petitioners shall report before the respondent police as and when required for interrogation and also appear before the Trial Court on every hearing, until the disposal of the revision petition and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 355 of BNSS, 2023. 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.

7. With the above directions, the suspension of sentence filed by the petitioners in Crl.MP.No.17580 of 2025 is ordered. Consequently, the petitions filed by the petitioners in Crl.M.P.No.17582 of 2025 seeking exemption from surrendering before the trial Court, is closed accordingly.

10-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1.The Inspector of Police
W30, AWPS,Poonamallee,
Crime No.06/2016.

2.The III Additional District and
Sessions Judge, Poonamallee.

3.The Judicial Magistrate No.I,
Poonamallee.



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T.V.THAMILSELVI J.
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