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Crl.M.P.No.6589 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.M.P.No.6589 of 2026

in

Crl.RC.No.855 of 2026

Enayathullah Sheriff

... Petitioner/Accused 1

Vs.

State Rep. by
The Sub-Inspector of Police,
D1 Triplicane Police Station,
Chennai.
(Crime No.1716 of 2013)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 438(1) of BNSS, 2023, praying to suspend the sentence made under the judgment dated 03.06.2025 passed in C.C.No.874 of 2015 on the file of the II Metropolitan Magistrate, Egmore, Chennai as confirmed by the Judgment dated 07.03.2026 passed in Crl.A.No.753 of 2025 on the file of the I Additional Sessions Judge, Chennai pending disposal of the above Criminal Revision Case.

For Petitioner : Mr.M.Hussaini Basha

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence made under the judgment dated 07.03.2026 in Crl.A.No.753 of 2025 on the file of the I Additional Sessions Judge, Chennai, confirming the conviction and sentence made in the judgment dated 03.06.2025 made in C.C.No.874 of 2015 on the file of the II Metropolitan Magistrate, Egmore, Chennai, pending disposal of the above revision and enlarge the petitioner on bail.

2. The petitioner in C.C.No.874 of 2015 was convicted and sentenced by the Trial Court by the judgment dated 03.06.2025, as tabulated below:

Offences	Punishment
Sections 341 IPC	To pay fine of Rs.500/-, in default of payment of fine, to undergo one week imprisonment.
Section 326 IPC	To undergo 18 months rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo 15 days imprisonment.



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3. Aggrieved by the same, the petitioner had filed a Criminal Appeal in Crl.A.No.753 of 2025 and the first Appellate court confirmed the judgment of conviction under Section 341 of IPC and modified the judgment of conviction under Section 326 of IPC to Section 324 of IPC and sentenced to undergo nine months rigorous imprisonment and to pay a fine of Rs.1000/- in default to undergo imprisonment for 15 days. Aggrieved by the same, the petitioner has filed the Criminal Revision Petition in Crl.RC No.855 of 2026 before this Court, along with the instant criminal miscellaneous petition seeking suspension of sentence.

4. The prosecution case is that on 27.11.2013 at about 5:30 p.m., the defacto complainant, Hasan Ali Akbar, went to his ancestral property. At that time, the first accused, Enaiyathullah Sherif, along with the second accused, Bahim Ahamed, and another identifiable person, wrongfully restrained him from entering the property. It is alleged that the accused persons abused the defacto complainant in filthy language and threatened him, stating that he should not come to the said house. During the course of the incident, the first accused attacked the complainant with an iron rod, striking him on the head and causing grievous bleeding injuries. Hence, the case.



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5. The learned counsel for the petitioner submits that, according to the prosecution, the alleged assault was carried out using an iron rod. However, this is contradicted by the statement of PW-1, Hasan Ali Akbar, made to the doctor, PW-6 Dr. Sathish Kumar, wherein he stated that the assault was committed using a dumbbell and a weightlifting ring. He further submits that this material contradiction regarding the weapon used, coupled with the non-recovery of the alleged dumbbell and weightlifting ring, creates a reasonable doubt in the prosecution case. Hence, he prays that the sentence imposed on the petitioner may be suspended.

6. Heard the learned Government Advocate (Crl.side.)

7. In view of the above submission made by the learned counsel for the petitioner, this Court is of the view that, a further deliberation is required in this present Civil Revision. Hence, this Court is inclined to suspend the sentence imposed on the petitioner.

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



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above criminal revision 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.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, 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.

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To

1. The learned I Additional Sessions Judge, Chennai
2. The learned II Metropolitan Magistrate, Egmore
3. The Sub-Inspector of Police,
D1 Triplicane Police Station,
Chennai.
- 4 .The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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