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Crl.O.P.No.29336 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29336 of 2025

Mohammed Ashif

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
CCD-I, Cyber Crime Police Station
Central Crime (Delta – 1),
Central Crime Branch,
Chennai – 614 204.
(Crime No.16/2024)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the order dated 14.10.2025 made in MP.No.1 of 2025 in Crl.A.No.1220 of 2025, on the file of the XXI Additional Sessions Court, Allikulam, Chennai in CC.No.2032 of 2024, on the file of the XI Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr. W.Camyles Gandhi

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER



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This petition has been filed to set aside the order dated 14.10.2025 made in MP.No.1 of 2025 in Crl.A.No.1220 of 2025, on the file of the XXI Additional Sessions Court, Allikulam, Chennai, confirming the order passed in CC.No.2032 of 2024, on the file of the XI Metropolitan Magistrate, Saidapet, Chennai.

2. The petitioner was convicted by the learned XI Metropolitan Magistrate, Saidapet, Chennai, in CC.No.2032 of 2024, by order dated 25.09.2025, to undergo rigorous imprisonment for 2 years for the offence under Section 66 D of the Information Technology Act and to pay a fine amount of a sum of Rs.50,000/- and in default to undergo 6 months rigorous imprisonment and also for offences under Section 354 D of the Indian Penal Code, and sentenced to undergo 2 years rigorous imprisonment and to pay fine amount of Rs.5,000/- and in default to undergo 1 month rigorous imprisonment and the sentences were directed to run concurrently.

3. Challenging the same, the petitioner had filed C.A.No.1220



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of 2025, before the XXI Additional Sessions Court, Allikulam, Chennai and the petitioner has also moved a petition in Crl.MP.No.1 of 2025, seeking suspension of sentences.

4. The Appellate Court held that the Trial Court had, based on the materials, found the petitioner guilty of the offences and had dismissed the petition for suspension of sentence, against which the present petition has been filed.

5. The learned counsel appearing for the petitioner would submit that the petitioner has filed Criminal Appeal, which is a statutory appeal.

6. He would further submit that the petitioner was in prison for 21 days during the period of investigation and after conviction he has been in custody from 25.09.2025. He would submit that the petitioner has got a good case on merits in the appeal and it will take considerable time to send records from the Trial Court to the Appellate Court. He would further submit that the petitioner does not have



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previous case against him. He would also submit that the fine amount has been deposited by the petitioner into the Court. Therefore, he would seek for suspension of sentence.

7. Per contra, Mr. R.Vinothraja, learned Government Advocate (Criminal Side), appearing for the respondent would submit that the Appellate Court, finding that the Trial Court, after considering the records in proper perspective had found the accused guilty, dismissed the petition. Therefore, he would object for the suspension of sentence.

8. Heard the learned counsel on either side and perused the records.

9. Admittedly, the petitioner was convicted for 2 years, which has been ordered to run concurrently and the petitioner had been in prison for 21 days during investigation and has been in incarceration from 25.09.2025.



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10. Taking into consideration the fact that the petitioner was in custody during investigation for 21 days and after conviction he has been in imprisonment from 25.09.2025, this Court is of the opinion that suspension of sentence can be granted to the petitioner 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 XXI Additional Sessions Court, Allikulam, Chennai;

(ii)The petitioner shall appear before the Appellate Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

11. Accordingly, the order dated 14.10.2025 is set aside. The criminal original petition stands disposed of. No costs.

29.10.2025

Neutral Citation:Yes/No

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1.The XXI Additional Sessions Court,
Allikulam,
Chennai

2.The XI Metropolitan Magistrate,
Saidapet,
Chennai.

3.The Inspector of Police,
CCD-I, Cyber Crime Police Station
Central Crime (Delta – 1),
Central Crime Branch,
Chennai – 614 204.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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