



CrI.A.(MD).No.334 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

CrI.A.(MD).No.334 of 2026

Farika Rismiya

..... Appellant

Vs.

The State of Tamil Nadu,
represented through
the Deputy Superintendent of Police,
Q Branch, C.I.D,
Ramanathapuram.
(Crime No.2 of 2021)

..... Respondents

Prayer : Appeal filed under Section 415 (2) of BNSS to allow this appeal to call for the records and set aside the judgment of conviction imposed in S.C.No.190 of 2023 on the file of the Principal District and Sessions Judge, Ramanathapuram, dated 17.02.2026.



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For Appellant : Mr.S.Marimuthu

For Respondents : Mr.C.Christopher,

Counsel for the State of Tamil Nadu

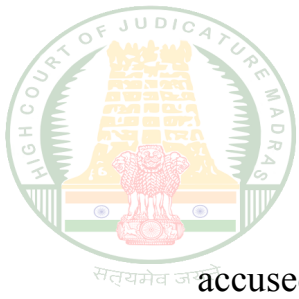
(Criminal Side)

JUDGMENT

[Judgment of the Court was made by N.ANAND VENKATESH, J.]

This Criminal Appeal has been filed by the appellant (Accused No. 2) challenging the judgment and order made in S.C.No.190 of 2023 on the file of the learned Principal District and Sessions Judge, Ramanathapuram, dated 17.02.2026.

2. The case of the prosecution is that Accused Nos.1 and 2 are Sri Lankan nationals and were staying in the house of Accused No.3 in Emmanankondan Village in the guise of visiting India for a marriage. They over stayed in India and in the meantime, Accused Nos.1 and 2 included their names in the Family Card of Accused No.4 and also obtained Aadhar Cards. They also procured sim cards by using those Aadhar Cards. This information was received by the “Q” Branch and based on the same, an FIR came to be registered in Crime No.2 of 2021 for offence under Sections 465, 468, 471, 420 of IPC. There are totally five



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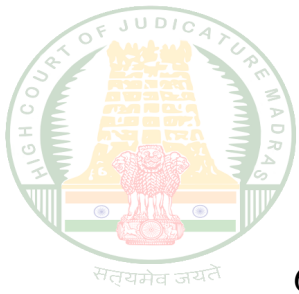
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No.2.

accused persons in this case and the petitioner was arrayed as Accused

3. The trial Court framed charges against the petitioner (Accused No.2) for offence under Sections 465, 468, 471, 420 r/w 120(b) of IPC.

4. The trial Court examined P.W.1 to P.W.28 and marked Ex.P.1 to Ex.P.77 and also relied upon M.O.1 to M.O.31.

5. The trial Court on considering the facts and circumstances of the case and on appreciation of evidence came to the conclusion that the prosecution has proved the case beyond reasonable doubts against the appellant (Accused No.2) for offence under Sections 465 r/w 120(B) of IPC and sentenced the appellant to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/- in-default to undergo 2 months simple imprisonment for offence under Section 465 IPC and to undergo two years rigorous imprisonment for offence under Section 465 r/w 120(B) IPC.



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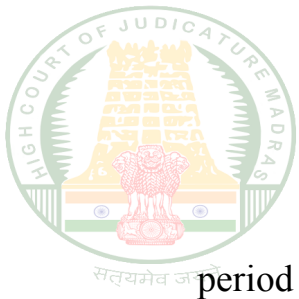
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6. The main ground on which the present criminal appeal has been filed before this Court is that the appellant has already suffered incarceration for six months and was inside the Special Camp, Trichy for nearly five years. Therefore, according to the appellant, he has already undergone sentence and hence, she is entitled for being set at liberty.

7. This Court carefully considered the submissions made on either side and the materials available on record.

8. The learned counsel appearing for the appellant did not argue for acquittal of the appellant from the conviction for offence under Sections 465 r/w 120(B) IPC and the learned counsel mainly focused his submission on the period that has already been undergone by the appellant. The learned counsel also relied upon two earlier judgments of this Court passed in Crl.A.No.569 of 2023 dated 18.07.2025 and Crl.A.No.278 of 2023 dated 12.06.2025.

9. The learned counsel for the State of Tamil Nadu (Criminal Side) submitted that the appellant has undergone actual imprisonment only for a

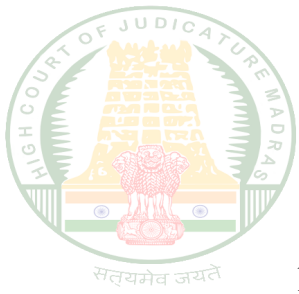


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period of six months and for nearly five years, the appellant is inside the Special Camp at Trichy. The learned counsel submitted that the Special Camp, Trichy, cannot be termed as a “Prison” and therefore, the period during which the appellant was inside the Special Camp, Trichy, cannot be counted towards the imprisonment undergone by the appellant pursuant to the conviction for offence under Section 465 r/w 120(B) of IPC.

10. We find a lot of force in the above submission made by the learned counsel for the State of Tamil Nadu (Criminal Side). It is now too well settled that a Special Camp does not come within the scope of Prison and staying in a Special Camp cannot be counted towards the sentence undergone by the accused person. One of us (Honble Mr.Justice N.Anand Venkatesh) had an occasion to deal with the issue in extenso in the case of *Rajan Vs. State* [reported in **2021 (1) MLJ (Criminal) 626**]. Even in the two judgments that were relied upon by the learned counsel appearing for the appellant, the learned Single Judge of this Court has categorically held that the period of stay in the Special Camp cannot be counted towards the sentence undergone by an accused person.



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11. In view of the above, it must be seen as to whether the appellant has to be sent back to the prison or there is any other mode to effectively deal with the appellant, who is ultimately a Sri Lankan National and who is staying in India.

12. In the two judgments that were relied upon by the learned counsel appearing for the appellant, this Court, considering the fact that the accused were Sri Lankan Nationals, modified the sentence to the period of imprisonment already undergone and directed the accused person therein to be deported to Sri Lanka forthwith. We are also inclined to follow the same procedure in view of the fact that there is no use in maintaining the appellant in this country by wasting the resources on the appellant.

13. In the light of the above discussion, the conviction against the appellant for offence under Sections 465 r/w 120(B) of IPC is confirmed. However, we are inclined to modify the sentence and accordingly, sentence is modified to the effect of the period of imprisonment already undergone by the appellant. There shall be a direction to the respondent to immediately take steps to deport the appellant to her country, namely, Sri



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Lanka forthwith. Till the appellant is deported to Srilanka, will continue to stay at Sri Lankan Tamil Rehabilitation Centre, Kottapattu, Trichy.

14. This Criminal Appeal is partly allowed in the above terms.

15. It is brought to our notice that in spite of various orders passed by this Court directing the “Q” Branch to take steps to deport the foreign nationals, the said orders are not being complied with and the accused persons continue to remain in the Special Camp.

16. In view of the above, post this case under the caption “For Reporting Compliance” on **18.08.2026**. By that time, the appellant should have been deported to Srilanka. There shall also be a further direction to the respondent to give particulars of the cases where this Court had directed the accused persons to be deported and compliance of those orders. If any order has not been complied with, it is made clear that, by the time, the report is filed before the Court, the order shall be complied with.

[N.A.V., J.] & [K.K.R.K., J.]
23.06.2026

NCC : Yes / No



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Index : Yes / No

TSG

Copy to

1.The Principal District and Sessions Judge,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Q Branch, C.I.D,
Ramanathapuram.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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