

03-11-2022

PRESENT :- Ms M. Pal
Judicial Magistrate 1st Class, Court No. 2,
Sonamura, Sepahijala District

Case No. CR(P) 148 of 2022

Received the case record from the court of Ld. CJM, Sepahijala, Sonamura for disposal according to law.

Make necessary entry.

The accused persons namely Champa Rani Hrishi and Prantosh Ch. Hrishi are produced before me.

The accused persons pleaded their inability to engage any counsel for their defence due to economic condition.

Upon hearing the submission of the accused person, I am of the opinion that a Legal Aid Counsel is required to be appointed on their behalf.

I hereby appoint Mr. Sanjoy Chakraborty as Legal Aid counsel for both the accused persons.

Inform Ld. Counsel Mr. Sanjoy Chakraborty and the District Legal Service Authority, Sonamura accordingly.

A guilty plead petition is filed by the accused persons namely Champa Rani Hrishi and Prantosh Ch. Hrishi through their engaged Ld. Legal Aid Counsel Mr. S. Chakraborty pleading their guilt in respect of the alleged offence.

Perused the said petition.

Tag the same with the case record.

Perused the case record.

Cognizance of the offence punishable u/s. 03 of the Passport (Entry into India) Act, 1920 has already been taken against the above named accused persons.

Copy of PR is supplied to the accused persons.

Substance of accusation has been stated to the accused persons namely Champa Rani Hrishi and Prantosh Ch. Hrishi in Bengali to which they pleaded guilty.

Ld. Legal aid counsel submitted that the accused persons are poor Bangladeshi national and they had come for treatment of the accused person namely Prantosh Ch. Hrishi who is seriously ill since they heard that he can be treated at free of cost in India being ignorant of law. Ld. counsel also submitted that they are very poor people having no financial strength. Ld. counsel prayed for having mercy on them considering the physical and economic condition of the accused persons.

Considering the nature of the offence, plea of guilt of the accused persons are hereby accepted.

Accused persons namely Champa Rani Hrishi and Prantosh Ch. Hrishi are hereby convicted u/s. 03 of the Passport (Entry into India) Act, 1920.

I am not inclined to grant benefit of Probation of Offenders Act to the convicts in this case.

Heard the convicts on the quantum of sentence.

Convict prays for mercy of this Court.

Considering the nature of the offence and humble submission of the convicts, the convicts namely Champa Rani Hrishi and Prantosh Ch. Hrishi are hereby sentenced to pay fine of **Rs.200/- each** for commission of offence punishable u/s.03 of the Passport (Entry into India) Act, 1920 i.d, to **suffer simple**

imprisonment for 02(two) days.

Since the convicts namely Smt. Champa Rani Hrishi and Prantosh Ch. Hrishi are admittedly Bangladeshi national, the convicts are to be deported to Bangladesh immediately in accordance with law.

The surety of the convicts, if any, stands discharged from the liability of bail bonds.

The fine money, if realised, be deposited to the treasury by challan through the Nazir.

On perusal of the PR No.342/2022 dated 03-11-2022, it is found that the following articles are enclosed with the PR in c/w the instant case:-

- (1) one mobile phone,
- (2) Indian currency of Rs.450/-
- (3) Bangladeshi currency of 50 taka.

Upon perusal of the case record and hearing the Ld. APP in this regard, I am of the opinion that the above stated seized Bangladeshi Taka be confiscated.

The seized Bangladeshi taka which is presently lying with the Court's Malkhana, are hereby confiscated and be handed over to the Custom authority as per legal procedure.

CTI, Sonamura is directed to deposit the Bangladeshi currency of 50/- Taka before the competent authority of Customs, Sonamura Office who is requested to do the needful in respect of the said foreign currencies as per law.

Other personal belongings of the convicts are to be returned to them as per legal procedure.

Inform all concerned accordingly.

Fix 16-11-2022 for report.

As dictated.

Later On :- Received fine money of Rs. 400/- vide Assam Schedule-IX, Form No.2, being No.45321, dated 03-11-2022.

As dictated.