

S.T. 01(06)/2024

S.C. 54/2023

Ref: G.R. Case No. 538/2022

(Arising out of Mekhliganj P.S. Case No. 246/2022)

State Vs. Md Imam Hossain and three others.

u/s – 14A/14C of Foreigners' Act, 1946.

Order No. 01

Dt. 03.06.2024

Today is fixed for framing of charge.

Accused person namely **Md Imam Hossain** is produced before this Court from J/C and further remanded to J/C till next date.

Other accused persons namely **Md Alam Hossain @ Building, Md Bapi @ Bapi Hoque and Niknai Sarkar @ Niknai @ Mostafa Haque** on court bail are present with their Ld. Advocate by filing hazira.

Ld. Defence Advocate Mr. Tapan Roy Pradhan appointed by SDLSC, Mekhliganj appears for the accused **Md Imam Hossain**.

Ld. Additional Public Prosecutor is present and opens the prosecution case and describes the allegations against the accused persons and the offences as allegedly committed by them.

Heard the Ld. Advocate for the accused Md Imam Hossain and perused the materials on record as well as in case diary. On going through the same, it is apparent that there are prima-facie sufficient materials to presume that accused Md Imam Hossain has committed the offence punishable u/s 14A of the Foreigners' Act, but I do not find sufficient materials to frame charge against him for committing offences punishable u/s 379/411 of the IPC and section 11 (i) (d) of Prevention of Cruelty to Animal Act as alleged.

Hence, this case is taken up for consideration of charge. The contents of the charge u/s – 14A of Foreigners' Act, 1946 is read over and explained to the accused person namely **Md Imam Hossain** in Bengali to which **he pleads guilty** and prays for mercy. Ld. Additional P.P. submits to convict the said accused person with the maximum punishment as per provisions of law. Ld. Defence Counsel prays for mercy to the accused person as he has pleaded guilty voluntarily. The act of pleading guilty by the accused person found voluntary without being influenced in anyway. Hence, it is accepted.

Heard both sides and perused the case record.

The accused person namely **Md Imam Hossain** is found guilty of the offence punishable u/s 14A of Foreigners' Act, 1946 and convicted and sentenced to suffer simple imprisonment for two

years and to pay a fine of Rs. 20,000/- i.d., to suffer further simple imprisonment for two months.

Fifty percent of the fine amount, if paid, is to be deposited with Judicial Cashier to the court of the Ld. ACJM, Mekhliganj, CoochBehar and rest fifty percent is to be deposited with SDLSC, Mekhliganj, CoochBehar.

The period of detention already undergone by this convict during investigation and trial of this case before the date of conviction shall be set off against the sentence imposed upon the convict.

District Magistrate, CoochBehar, is requested to repatriate the convict **Md Imam Hossain** to his country Bangladesh after completion of his sentence.

Concerned Authority is directed that seized personal documents and personal articles (if any) be returned to the convict from whom seized after completion of his sentence. In case the convict is transferred to any other correctional home to serve out the sentence, seized personal belongings if any, of the convict be also transferred to that particular correctional home where from he will be repatriated.

Charge has also been framed against the accused **Md Alam Hossain @ Building, Md Bapi @ Bapi Hoque and Niknai Sarkar @ Niknai @ Mostafa Haque** u/s 14C of Foreigners' Act and section 379/411 of the Indian Penal Code, to which they pleaded not guilty and claimed to be tried.

I do not find any prima-facie material to frame charge against these accused persons also for committing offence punishable under section 11 (i) (d) of Prevention of Cruelty to Animal Act as alleged.

To 02/12/2024 for evidence of CSW 1.

Prosecution to take necessary steps for issuance of summon accordingly.

Other accused persons namely **Md Alam Hossain @ Building, Md Bapi @ Bapi Hoque and Niknai Sarkar @ Niknai @ Mostafa Haque** on court bail are to remain present on that day.

Let copies of this order be sent to the D.M., CoochBehar and SDLSC, Mekhliganj, CoochBehar for information and necessary action.

A copy of this order be also given to the convict free of cost.

Dictated & Corrected.

Sd/- H. Sanyal

Additional Sessions Judge
Mekhliganj, CoochBehar

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Mekhliganj, CoochBehar