

Order No. 13 dated : 20/08/2026

Today is fixed for appearance of the accused person. Accused namely, Ngawang Chodar Lama @ Khamaritsang Tsheten Gurme @ Sengeytsang Kamar Jimmy is present by filing hazira.

Ld. Advocate for the accused person as well as Ld. P.P. Incharge are present.

Now, the petition dated 10/08/2026, prayer for discharge, filed by Ld. Advocate for the accused person is taken up for hearing.

Ld. Advocate submitted that the accused is facing trial U/s 14A of the Foreigners Act. The accused person is a citizen of Nepal. There is a Bilateral Treaty between India and Nepal for free movement of its citizens without permit. Thus, he prays for discharge the accused from this case.

A report dated 31/07/2026 was received through the O.C. Kharibari P.S.

Seen the report of Embassy of Nepal, New Delhi dated 21/07/2026 where they had requested the Chief District Office, Kathmandu, Nepal, under the Ministry of Home Affairs vide its letter no. 1372 dated 21/05/2026 and Chief District Office, Kathmandu, Nepal certified that the citizenship no. 9325 issued on 2056/11/04 B.S. match the records available in the Centralized Citizenship Information Management system.

On perusal of the report it appears that the petitioner is the citizen of Nepal.

Ld. P.P. Incharge prays for passing necessary order.

Considering that the accused is a citizen of Nepal and since there is a Bilateral Treaty between India and Nepal for free movement of its citizens without permit, the prayer is allowed. Moreover, the petitioner was not found moving in restricted or prohibited area of the country.

The accused is discharge from this case accordingly.

Further it is submitted by Ld. Advocate for the accused person that some articles were seized from the possession of the petitioner during investigation and he prays for passing necessary order to release those articles which are -

1. One I phone 14 Pro Max, Model No. MQ873ZA/A & Sl. No. XH1GDGXKN9 (IMEI No. 355999913124651 and 355999913307504).
2. SIM 2 nos - Airtel and N CEL
3. Indian Currency 5000/-
4. Nepali Currency 600/-
5. One Sandisk Cruzer Blade 8 GB pendrive contain seizure videography.

Accordingly, the O.C. Kharibari P.S. is directed to handover the above articles to the petitioner namely Ngawang Chodar Lama @ Khamaritsang Tsheten Gurme @ Sengeytsang Kamar Jimmy after proper identification and verification.

Let a copy of this order be sent to the O.C. Kharibari P.S. for taking necessary action.

The case is disposed of accordingly.

Sd/-

Additional Sessions Judge
Fast Track Court, Siliguri