



MHRG170011882025	 	Received on	:	26/06/2025
		Registered on	:	26/06/2025
		Decided on	:	17/03/2026
		Duration	:	Ys. Ms. Ds --- 08 20

Sessions Case No.93/2025
Exh.No. 16/A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANVEL
DISTRICT RAIGAD, AT : PANVEL

PRESENT : S.R. UGALE, ADDITIONAL SESSIONS JUDGE,
PANVEL RAIGAD AT PANVEL

PART - 'A'

	FIR No.435/2024, under Rule 3(a), 6(a) of Passport (Entry into India) Rules 1950, and u/sec.14(A) of The Foreigners Act, 1946.
PROSECUTION	State of Maharashtra Through Kharghar police Station, Navi Mumbai. (Smt. Aarti Prasanna Patil, Police Constable)
PRESENTED BY	Shri Y. S. Bhopi, Learned A.PP for the State.
ACCUSED	1. Rojina Habib Mulla 2. Tarsina Sahiful Shaikh
REPRESENTED BY	Advocate Shri Indrajeet Bhosle for accused No.1 and 2.

PART - 'B'

Date of offences	Between 04/12/2023 to 24/12/2024
Date of FIR	25/12/2024

Date of Charge-sheet	14/02/2025
Date of Framing of Charges	22/01/2026
Date of commencement of evidence	11/02/2026
Date on which judgment is reserved	17/03/2026
Date of the Judgment	17/03/2026
Date of the Sentencing Order, if any	17/03/2026

ACCUSED DETAILS

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial of purpose of Section 428, Cr.PC
1.	Rojina Habib Mulla	25.12.2024	Under Trial	under Rule 3(a), 6(a) of Passport (Entry into India) Rules 1950, u/sec.14 (A) of The Foreigners Act, 1946	Convicted	02 years --- month	1 Year, 2 Months and 20 Days
2.	Tarsina Sahiful Shaikh	25.12.2024	Under Trial				

PART – 'C'

LIST OF THE PROSECUTION DEFENCE/COURT WITNESSES

A - PROSECUTION

RANK	NAME	EXHIBIT NO.	NATURE OF EVIDENCE
1.	Aarti Prasanna Patil	7	Informant
2.	Avinash Abhijit Gosawi	10	Panch witness of spot panchanama
3.	Sachin Subhash Gossawi	12	Panch witness of spot panchanama

B- DEFENCE WITNESS IF ANY

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL		

C. COURT WITNESSES IF ANY

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. PROSECUTION**

Sr. No.	Witness No.	Exhibit No.	Description
1.	PW 1	8/C	Report
2.	PW 1	9/C	Printed form of FIR.
3.	PW 2	11/C	Spot panchanama

B. DEFENCE

Sr. No.	Exhibit Number	Description
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C. COURT EXHIBITS

Sr. No.	Exhibit Number	Description
1.	2 to 4	Charge alongwith statement of accused No.1 and 2
	13	Evidence close pursis
2.	14, 15	Statement of under section 351 of BNSS

D. MATERIAL OBJECTS

Sr. No.	Material Object Number	Description
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JUDGMENT**(DELIVERED ON 17/03/2026)**

1] The accused Nos.1) Rojina Habib Mulla and 2) Tarsina Sahiful Shaikh are charge-sheeted for the offences punishable under Rule 3(a) and 6(a) of Passport (Entry into India) Rules 1950 and under Section 14-A of the Foreigners Act, 1946.

2] Facts giving rise to the prosecution case are as follows ;
On 24/12/2024 at about 09.00 p.m. the informant lady police hawaldar Smt.Aarti Prasanna Patil was present on duty at Kharghar police station. As per direction of senior police

inspector, she and police hawaldar Sachin Gosavi were conducting search of Bangladesh Nationals staying illegally within the jurisdiction of Kharghar police station. At about 10.45 p.m. informant received an information through secret messenger that in Gaikar chawl situated in village Kopra, some Bangladesh Nationals were staying. Accordingly, she alongwith police hawaldar Shri Gosavi went to Gaikar chawl, where they found two women. On making an inquiry with them they disclosed their names as Rojina Habib Mulla and Tarsina Sahiful Shaikh. The informant asked them whether they had any document to show that they were Indian Nationals. At that time they disclosed that they were Bangladesh Nationals and on 04.12.2023 entered India without passport and other valid documents. The informant thereafter set the criminal law into motion by lodging detailed report with Kharghar police station. On the basis of report so lodged by informant, an offence came to be registered at Kharghar police station vide C.R.No. 435/2024 under above mentioned sections.

3] After registration of crime, investigation was handed over to investigating officer Police Hawaldar Shri Sachin Gosavi. He drew the spot panchanama in presence of two panch witnesses. He recorded statements of witnesses as per their narration. Thereafter he arrested accused. During the course of investigation it was revealed that the accused were Bangladesh Nationals, therefore he submitted the charge-sheet against accused in the Court of Judicial Magistrate, First Class, Panvel.

4] As an offence is exclusively triable by the Court of Sessions, the Ld.JMFC committed the case to this Court whereupon the present Sessions Case came to be registered.

5] I framed the charge against accused at Exh.2 on 22/01/2026. The charge was read over to accused persons in vernacular. They did not plead guilty and claimed to be tried.

6] In order to bring home the guilt of accused, the prosecution has examined Informant lady police hawaldar Smt. Aarti Prasanna Patil as PW 1 at Exh.7. Thereafter prosecution examined Avinash Abhijit Gosavi, the panch witness to spot panchanama at Exh.10 and lastly the prosecution examined investigating officer, police hawaldar Shri Sachin Gosavi as PW 3 at Exh.12.

7] Besides oral evidence of above witnesses, the prosecution has relied upon the following documents;

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|----|-----------------|---------|
| 1. | Complaint | Exh.8. |
| 2. | Spot Panchanama | Exh.11. |

8] After the prosecution evidence was closed, incriminating circumstances which have come on record through the evidence of these witnesses against accused persons were put to them in their statements recorded u/sec.351 of the BNSS, 2023 so that, they can provide an explanation, if any. The

accused have taken the defence of total denial and false implication. The accused however, did not examine any witness on their behalf.

9] Heard Ld. Adv. Shri Indrajeet Bhosle for the accused and Ld. APP Shri Y.S. Bhopi for the opponent State. Considering the rival submissions and evidence available on record, following points arise for my determination and I record their findings thereon for the reasons given below.

<u>SR.NO.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the prosecution has proved that... on 04/12/2023 at 09.30 p.m. accused Nos.1 and 2 being Bangladesh Nationals found at village Kopra, Taluka Panvel, District Raigad, who illegally entered through restricted area without passport and visa and thereby committed an offence p/u/sec.14(A) of the Foreigners Act ?	No.
2.	Whether prosecution has proved that... being Bangladesh National accused Nos.1 and 2 entered India without possessing valid passport in contravention of Rule 3(a) and 6(a) of Passport (Entry into India) Rules 1950?	Yes.
3.	What order?	... As per final order

REASONS**As to point Nos.1 and 2 :-**

10] Both points are interconnected and evidence thereon is common, therefore, in order to avoid repetition of facts as well as evidence, I have taken up both these points together for discussion.

11] Shri Bhopi, the Ld. APP submitted that, the evidence on record clearly shows that, the accused women are Bangladesh Nationals and they entered India in contravention of Rule 3(a) of The Passport (Entry to India) Rules, 1950. Shri Bhopi further submitted that the accused women failed to discharge the burden casts under section 9 of The Foreigners Act. The prosecution has proved its case beyond reasonable doubt by adducing clinching and cogent evidence. Hence, it is prayed by Shri Bhopi that the accused women be convicted and sentenced to maximum punishment prescribed by law.

12] Per contra, Shri Bhosle, the Ld. Advocate for accused vehemently argued that the prosecution has absolutely failed to prove its case beyond reasonable doubt. The prosecution has completely failed to prove that accused women entered India through restricted area. Likewise, prosecution has also failed to prove that accused women are Bangladesh Nationals. Hence, Shri Bhosle prayed that accused women be acquitted of all the charges leveled against them.

13] In order to substantiate its case, the prosecution mainly placed its reliance on the testimony of informant Smt. Patil (PW 1), Shri Gosawi (PW2), the panch witness to spot panchanama and investigating officer Shri Sachin Gosavi (PW3).

14] Smt. Patil (PW 1) deposed that on 24/12/2024 at about 09.00 p.m. she was on duty at Kharghar police station. At that time her colleague, police hawaldar Sachin Gosawi was also present there. She further deposed that at about 10.45 p.m. she received an information that Bangladesh Nationals are staying illegally in village Kopra. Acting upon the said information she alongwith Shri Gosawi (PW3) went to village Kopra, where they found two women. On making an inquiry with them, they disclosed their names as Rojina Habib Mulla and Tarsina Sahiful Shaikh. The informant asked them to produce documents to show that they were Indian National. However, accused told informant that they were Bangladesh Nationals. Likewise, they furnished their Bangladesh addresses. As it was revealed that accused were Bangladesh Nationals, she lodged detailed complaint (Exh.8) at Kharghar police station.

15] During cross-examination informant admitted that the investigating officer has not seized any document in her presence from both the accused to show that accused were Bangladesh Nationals. Thereafter certain suggestions were put to this witness which were clearly denied by this witness.

16] Thereafter, prosecution relied upon the testimony of Avinash (PW2), who deposed at Exh.10 that on 25/12/2024 police hawaldar Shri Sachin Gosavi called him at Kharghar police station. At that time another panch Shri Shashank Arora had accompanied him. Investigating officer Shri Gosavi asked him to act as a panch witness to spot panchanama. Accordingly he accorded his consent. Thereafter, he along with another panch witness and police personnel went to village Kopra. After reaching village Kopra, they found two women who were Bangladesh Nationals, staying in the chawl of one Shri Gaikar. Avinash further deposed that both accused told them that they were Bangladesh Nationals. Police thereafter drew panchanama (Exh.11) with regard to the place, where both accused were found.

17] In cross-examination certain suggestions were put to this witness which were specifically denied by him.

18] Lastly, the prosecution examined investigating officer police hawaldar Shri Gosavi (PW3), who deposed at Exh.12 that he conducted investigation with regard to C.R.No.435/2024. Lady police hawaldar Smt. Aarti Patil had lodged complaint (Exh.8), as she found Bangladesh National women in Gaikar chawl of village Kopra. He further deposed that he drew the panchanama of the place where accused were found. He further deposed that after completion of investigation it was revealed that the accused were Bangladesh Nationals and they were

staying illegally in India, hence, he filed charge-sheet against accused in the Court of Judicial Magistrate, First Class, Panvel.

19] On minute scrutiny of the evidence adduced by prosecution, it appears that both accused women are Bangladesh Nationals and they are staying in India without valid documents like passport and visa. They were apprehended by lady police hawaldar Aarti Patil. When she asked both accused women to produce documents to show that they are Indian citizen, both accused women admitted that they were Bangladesh Nationals. Likewise, they also gave their Bangladesh addresses. It clearly seems from evidence on record that after giving an opportunity to both accused women to produce documents to show that they are Indian citizen, they failed to produce the same. Thus, the prosecution has discharged its initial burden by proving that accused women are not Indian citizen. As per section 9 of The Foreigners Act, 1946, burden was upon accused women to show that they are Indian citizen, however, said burden is not discharged satisfactorily by accused women. Therefore, I have no hesitation to come to the conclusion that prosecution has proved beyond reasonable ground that both accused women entered India without possessing valid documents.

20] So far as the charge u/sec. 14-A of the Foreigners Act is concerned, there is nothing on record to show that accused

women were found in restricted area and they entered India through restricted area. Thus, the prosecution has absolutely failed to prove basic ingredients of section 14-A of the Foreigners Act.

21] As I observed herein above as both accused women have failed to show that they are possessing valid passport and other documents to show that they are Indian citizens, the prosecution has proved beyond reasonable doubt that both the accused women are Bangladesh Nationals and entered in India without valid documents i.e. passport and visa in contravention of 3(a) of The Passport (Entry Into India) Rules, 1950. Therefore, they are guilty under rule 6(a). Hence, I answer point No.1 in the negative and point No.2 in the affirmative.

As to point No.3 :-

22] Since I have held that accused women are guilty of offence punishable under Rule 6(a) of The Passport (Entry Into India) Rules, 1950, I take a pause to hear the accused women on the point of sentence.

23] Accused Rojina Habib Mulla and Tarsina Sahiful Shaikh are produced before me from jail. I informed them that they are found guilty of offence punishable under Rule 6(a) of The Passport (Entry Into India) Rules, 1950. They were asked to submit their say on the quantum of sentence. Both the accused

submitted that leniency may be shown to them while passing the sentence.

24] I have also heard Ld. APP Shri Y. S. Bhopi for the prosecution and Ld. Adv. Shri Indrajeet Bhosle for the accused on the point of sentence.

25] Shri Bhosle submitted that both accused are women. Due to poverty in Bangladesh to eke out their livelihood they came to India. Since last one 1 year 2 months and 20 days they are behind bars. Hence, leniency may be shown to them and they may be sentenced to a term which they have already undergone.

26] As against this, Shri Bhopi submitted that both accused intentionally and knowingly entered India without valid documents i.e. passport and visa. In such circumstances they are not entitled for getting any kind of leniency. Hence, Shri Bhopi prayed that maximum sentence prescribed by law be imposed upon both the accused.

27] The punishment under Rule 6(a) of The Passport (Entry Into India) Rules, 1950 is imprisonment which may extend upto 5 years and fine which may extend to Rs.50,000/- or both. Both accused are women. Due to poverty in their country they entered India to eke out their livelihood. They have

no criminal antecedents. The accused No.1 is 25 years old and accused No.2 is 28 years old. Considering aforesaid aspects and age of both the accused, in my view following order will meet the ends of justice.

ORDER

1. Accused Nos.1) Rojina Habib Mulla and 2) Tarsina Sahiful Shaikh are hereby convicted for the offence punishable under Rule 6 (a) of the Passport (Entry into India) Rules 1950 vide Section 258(2) of The Bharatiya Nagarik Suraksha Sanhita, 2023 and sentenced to suffer simple imprisonment for one year and four months each.
2. Accused Nos.1) Rojina Habib Mulla and 2) Tarsina Sahiful Shaikh are hereby acquitted for the offence punishable under Section 14-A of the Foreigners Act, 1946 vide Section 258(1) of The Bharatiya Nagarik Suraksha Sanhita,2023.
3. Accused Nos.1 and 2 are in custody from 25/12/2024. They shall be entitled for set off under Section 468 of the BNSS.
4. After undergoing sentence imposed upon accused, they be deported to Bangladesh through Bangladesh embassy. The Commissioner of Police, New Mumbai is hereby directed to take necessary steps for deportation of the accused to Bangladesh as per rules and procedure after completion of their sentence and submit compliance report to this court.
5. Both accused are apprised of their right to prefer appeal before the Hon'ble High Court.
6. Copy of this judgment be supplied to accused free of costs.

7. Copy of this judgment be forwarded to District Magistrate, Raigad under section 406 of The Bharatiya Nagarik Suraksha Sanhita, 2023.

(Pronounced and Dictated in Open Court.)

Panvel,
Date:- 17/03/2026.

(Shailesh R. Ugale)
Additional Sessions Judge,
Panvel, Dist-Raigad.

CERTIFICATE

I affirm that, the contents of this P.D.F file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer : S. J. Sheth (Grade-1)
Name of Court : District Court-1 & Additional
Sessions Court, Panvel
Date of dictation : 17/03/2026
Order checked and signed
by the Presiding Officer on : 17/03/2026
Order uploaded on : 18/03/2026