


<p>MHRG170013952025</p> 		<p>Presented on : 21/07/2025 Registered on: 21/07/2025 Decided on : 06/04/2026 Duration : 00Y 08M 16D</p>
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Part " A"

	<p>IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE, AT PANVEL –RAIGAD</p> <p>Present : Santosh R. Chavan, Addl. Sessions Judge (06th day of April 2026)</p> <p>Sessions Case No. 108/2025 Exh. No. 26/A</p> <p>N.R.I. Sagari (Ulwa) Police Station FIR No. 78/2025</p>
PROSECUTION	State of Maharashtra Through N.R.I. Sagari (Ulwa) Police Station.
REPRESENTED BY	Learned Addl. P.P.Adv.Shri. A.R. Kadam
ACCUSED	<p>Mohammad Munu Nizam Shaikh Age : 38 yrs, Occupation : Labour R/at:Room No.603, Plot No.5, Rubi Building, Sector 35F, Kharghar, Navi Mumbai.</p> <p>Original R/at : Bendachaur, Tahsil Kaliya, District- Nodail, Bangladesh.</p>
REPRESENTED BY	Learned Adv. Shri. Indrajeet Bhosale for accused

Part " B"

Date of Offence	10/02/2025
Date Of FIR	10/02/2025
Date of Charge sheet	21/03/2025
Date of Framing of Charge	05/03/2026
Date of commencement of evidence	12/03/2026
Date on which judgment is reserved	---
Date of the Judgment	06/04/2026
Date of the Sentencing Order, if any	06/04/2026

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on bail	Offence charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1	Mohammad Munu Nizam Shaikh	10/02/2025	Under Trial Prisoner	Offence p/u/sec 14-A of the Foreigners Act, 1946 and Rule 6 of the Passport (Entry into India) Rules 1950	Convicted under Rule 6 of the Passport (Entry into India) Rules 1950	Simple imprisonment for One year, two months and Fifteen days for offence punishable under Rule 6 of the Passport (Entry into India) Rules 1950.	420 Days

Part 'C'

LIST OF PROSECUTION/ DEFENCE /COURT WITNESSES

A. Prosecution

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

PW1	Sachin Madhukar Kothule	13	Informant
PW2	Gana Babul Pathan	16	Panch witness
PW 3	Suresh Kisan Kharat	19	Investigating Officer

B. Defence Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	Nil.	Nil.

C. Court Witnesses, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Nil.	Nil.

LIST OF PROSECUTION/ DEFENCE /COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	P-14/PW1	Complaint
2	P-15/PW1	FIR
3	P-17/PW 2	Mobile seizure panchanama
4	P-20/PW 3	Muddemal receipt
5	P-21/PW 3	Show cause notice to accused
6	P-22/PW 3	Letter dated 11/02/2025 issued by Ulwa police station to Deputy

		Commissioner of Police Special Branch, Navi Mumbai.
7	P-23/PW 3	Show cause notice issued by Deputy Commissioner of Police Special Branch, Navi Mumbai to accused

B. Defence

Sr. No.	Exhibit Number	Description
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C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	9	Charge.
2	25	Statement under Section 351 of the BNSS of accused

D. Material objects :

Sr.No.	Material Object Number	Description
1	M.O. No. 1	One mobile of IQ company with Airtel company Sim-card

JUDGMENT

(Delivered on 06/04/2026)

01. Accused is tried for the offences punishable under Section 14-A of the Foreigners Act, 1946 and Rule 6 of the Passport (Entry Into India) Rules 1950.

02. Prosecution's case in nutshell is as under: -

The Informant Sachin Madhukar Kothule a Police Constable attached to Ulwa police station since October 2024. He

was working in Crime detection branch. On 10/02/2025, at about 9.00 hours. he was present on his duty. Senior Police Inspector Arjun Rajane received secrete information that one Bangladeshi National illegally residing at Bamandongari Village, Sector 19, Ulwe, Tal. Panvel, District- Raigad. Therefore, informant, API Suresh Kharat and other police staff along with panch witnesses proceeded for raid by vehicle No.MH-43-CG-6293, after making entry in station diary. Thereafter, they reached Sector 19, Ulwe, Bamandongari Railway Station, Navi Mumbai at about 18.30 hours. Secret informant was also present there. They all reached near cremation ground at Bamandongari, Sector 19. At that time, secrete informant shown one person as a Bangladeshi by pointing finger towards the said person. API Kharat made communication with the said person in Hindi language and asked his name. He said his name as Mohammad Munu Nizam Shaikh, Age : 38 yrs, Occupation : Labour, R/at:Room No.603, Plot No.5, Rubi Building, Sector 35F, Kharghar, Navi Mumbai Original R/at : Bendachaur, Tahsil Kaliya, District-Nodail, Bangladesh. Thereafter, API Kharat introduced himself, police staff and panch witnesses to the said person and explained him purpose of raid. Raiding party police came to know that said person is Bangladeshi National and he illegally entered into India. The said person was asked to produce passport and Visa. However, he failed to produce said documents. He admitted that he is Bangladeshi National. Said person was taken to Ulwa police station. One IQ Mobile phone with Airtel Simcard was seized from the possession of the accused. Some Bangladeshi contact numbers were found in his mobile.

Thereafter, in the presence of two panch witnesses, mobile phone of the accused was seized. Accordingly, panchanama was prepared. Therefore, the informant lodged report against the accused to NRI Sagari (Ulwa) Police Station. The crime was registered vide C.R. No.78/2025 for the offences punishable under Rule 3(a) read with 6 of the Passport (Entry into India) Rules 1950 and under Section 14-A of Foreigners Act,1946.

03. The investigation of C.R.No.78/2025 was conducted by API Suresh Kisan Kharat. During investigation he arrested the accused. Recorded statements of witnesses. He had seized mobile phone of accused by preparing panchanama. He had given show cause notice to accused on 10/02/2025. He had given letter dated 11/02/2025 to Deputy Commissioner of police and Foreigner Registration Officer, Special Branch Passport Department, Navi Mumbai for issuing show cause notice to accused. Accordingly, show cause notice was issued to the accused by the said department. After completion of investigation, the Investigation Officer submitted charge-sheet before Ld. J.M.F.C, Panvel against accused. As the offence punishable under Section 14-A of Foreigners Act is exclusively triable by Court of Sessions, the Learned Magistrate committed the case to the Court of Sessions.

04. I framed charge against accused for the offences punishable under Section 14-A of the Foreigners Act, 1946 and Rule 6 of the Passport (Entry Into India) Rules 1950. The contents of charge were read over and explained in Hindi Language to the accused to which he pleaded not guilty and claimed to be tried.

05. Prosecution has examined three witnesses. Statement of accused under section 351 of BNSS is recorded at Exh.25. Defence of the accused is of total denial.

06. Heard Addl. P.P. Adv. Shri. A.R. Kadam for the prosecution and Ld. Adv. Indrajeet Bhosale for accused. Following points arise for my determination and my findings on each of them with reason thereon are as under:

SR. NO.	POINTS		FINDINGS
1.	Whether prosecution proves that, on 10/02/2025 at about 18.30Hrs. accused being Bangladeshi National found at Bamandongari village, Sector-19, cremation ground near railway station, Ulwe, Navi Mumbai, who illegally entered through restricted area without passport and visa and thereby committed an offence punishable under section 14-A of the Foreigners Act, 1946 ?	:	...No
2.	Whether prosecution proves that, accused being Bangladeshi National entered into India without possessing valid passport in contravention of Section 3 (a) of The Passport (Entry Into India) Rules, 1950 and thereby committed an offence punishable under Rule 6?	:	...Yes
3.	What order ?	:	Accused is convicted

REASONS

07. In order to bring home the guilt of the accused prosecution has examined three witnesses. The prosecution filed evidence close pursis at Exh. 24.

08. Learned Addl. P.P. Shri. A.R. Kadam for the State submitted that, the evidence on record is sufficient to prove guilt of the accused. The evidence of prosecution witnesses is reliable. The accused failed to produce travel documents or document showing his citizenship. The accused being Bangladeshi National illegally entered into Indian through restricted area and stayed in India without any valid travel documents.

09. Per contra, Learned Advocate Shri. Indrajeet Bhosale for accused argued that, accused is doing labour work. Section 14-A of the Foreigners Act is not applicable. Prosecution failed to prove that accused is Bangladeshi National. The accused is entitled for acquittal.

POINT Nos. 1 AND 2 :-

I consider point Nos. 1 and 2 together for sake of convenience and to avoid repetition.

10. The informant PW1 Sachin Kothule deposed that since 2024, he is attached to Ulwa police station. On 10/02/2025 he was on his duty. On the said day at about 9.30 hours, Senior Police Inspector Arjun Rajane informed the informant and other police staff that he received secrete information that one

Bangladeshi National is illegally staying at Bamandongari village, Sector-19, Ulwa and therefore, Senior PI made order for taking action against the said Bangladeshi National. Accordingly, informant and other police staff reached to the said place at about 18.30 hours along with panch witnesses. Secret informant was also present there. One person was standing there. The said person is shown by secrete informant. Thereafter, name and other details were asked to the said person i.e. accused in Hindi language. The accused told his name as Mohammad Munu Nizam Shaikh, Age : 38 yrs, Occupation : Labour, R/at:Room No.603, Plot No.5, Rubi Building, Sector 35F, Kharghar, Navi Mumbai Original R/at : Bendachaur, Tahsil Kaliya, District- Nodail, Bangladesh. Senior PI Kharat introduced himself, panch witnesses and police staff to the accused. Documents about stay in India was asked to the accused, but he was unable to produce the same. Accused admitted that he is Bangladeshi National. He entered into India without passport and Visa and staying on the said address since last four years without any valid documents. One IQ Mobile phone with Airtel Simcard was seized from the possession of the said accused in the presence of panch witnesses.

11. Panch witness Gana Pathan PW2 deposed that on 10/02/2025, he was called at Ulwe police station by ASI Kharat for personal search panchanama of Bangladesh National Mohammad Munu Nizam Shaikh. Accordingly, he went at Ulwe police station. At that time another panch Abdul Khan was present. In the presence of panch witnesses one IQ Mobile phone with Airtel Simcard was seized. It was found that some Bangladeshi

mobile numbers were saved in the said mobile number. Panchamama is at Exh.P.17/PW2.

12. Investigating officer PW 3 Kharat deposed on the same line of PW1. During investigation show cause notice was issued to accused by Dy. Commissioner of Police, Special Branch, Navi Mumbai. The show cause notice issued to accused is at Exh. P-23/PW3. The said notice was issued under Section 3(2)(e)(iii) of Foreigners Act, 1946. Thus, opportunity was given to the accused to furnish passport, visa and other relevant documents, but accused failed to produce any of the document. Some Bangladeshi contact numbers were found in mobile phone of the accused. From the evidence of the prosecution it is proved that accused is not Indian Citizen. The prosecution has discharged it's initial burden. As per Section 9 of Foreigners Act, 1946 burden shifts upon the accused to show that he is Indian Citizen. However, said burden is not discharged by the accused.

13. So far as the charge levelled against accused under Section 14-A of The Foreigners Act, there is nothing on record to show that the accused was found in restricted area and he entered into India through restricted area. Therefore, ingredients of that section are not proved by the prosecution. However, I find that accused is Bangladeshi National. He entered into India without passport in contravention of Rule 3(a) of The Passport (Entry Into India) Rules, 1950 and he is guilty under Rule 6. Hence, I answer point No. 1 in the negative and point No. 2 in the affirmative.

POINT NO. 3 :-

14. In view of the above findings, accused is liable to be acquitted of the offence punishable under Section 14-A of the Foreigners Act, 1946, but liable to be convicted under Rule 6 of the Passport (Entry Into India) Rules 1950. It is necessary to hear prosecution and accused on point of sentence.

15. Heard the accused, Ld. Advocate on behalf of accused and Additional Public Prosecutor on the point of sentence.

16. Accused and his Ld. Advocate submitted that accused is behind the bar for more than one year. He came into India for livelihood due to poverty in Bangladesh. His wife and small kids are staying in Bangladesh. Hence, leniency may be shown to him and he may be sentenced to a term which he has already undergone and set off may be given to him.

17. Per contra, the learned APP submitted that accused intentionally and knowingly, entered into India without any valid travel documents. The leniency cannot be shown to him and be sentenced to maximum punishment.

18. The accused was arrested on 10/02/2025. The total period of detention undergone by accused during investigation, inquiry and trial is 420 days. Punishment under Rule 6 of Passport (Entry into India) Rules 1950 is imprisonment which may extend to five years or fine which may extend to fifty thousand rupees or

both. The accused was doing labour work. Due to poverty in his own country, he came into India for livelihood. There is no criminal antecedent against the accused. Considering this aspect and age of accused following sentence would meet the ends justice. The accused is entitled for the benefit of set off for period of detention already undergone as per Section 468 of BNSS. Accused being a non-citizen of India, he is required to be deported to his Country i.e. Bangladesh.

19. The custody of the said mobile phone is not claimed by anybody. If this muddemal mobile with Simcard sold in public auction as on date it will not fetch any value. Further due to advance technology data can be retrieved and which can be misused. Hence, public auction of muddemal is not justified. Hence, this mobile phone and simcard inside it should be destroyed, after appeal period is over. As a result, I pass following order-

ORDER

1.	Accused Mohammad Munu Nizam Shaikh is hereby acquitted of offence punishable under section 14-A of the Foreigners Act, 1946 vide Section 258(1) of Bhartiya Nagrik Suraksha Sanhita, 2023.
2.	Accused is hereby convicted of the offence punishable under Rule 6 of Passport (Entry into India) Rules 1950 vide Section 258(2) of Bhartiya Nagrik Suraksha Sanhita, 2023 and sentenced to suffer simple imprisonment for one year, two months and fifteen

	days.
3.	Accused is in custody since 10/02/2025. The period of detention undergone by the accused during the investigation, inquiry or trial of the case till the date of conviction shall be set off under Section 468 of BNSS, against the above term of imprisonment imposed on him.
4.	The Jail authority and officer in charge of NRI Sagari (Ulwa) Police Station shall take necessary steps to deport accused to his Country i.e. Bangladesh after undergoing above sentence, so that thereafter he should not remain in India and submit a compliance report to this Court.
5.	Muddemal property i.e. One IQ Company mobile with Airtel company Sim-card (M.O.1) be destroyed after appeal period is over.
6.	Copy of Judgment be forwarded to District Magistrate Raigad-Alibag as per Section 406 of Bhartiya Nagrik Suraksha Sanhita, 2023.
7.	Copy of Judgment be forwarded to officer in charge of NRI Sagari (Ulwa) Police Station, for necessary compliance.
8.	Copy of this judgment be given to accused free of costs.
	(Dictated and pronounced in open court)

Panvel.
Date: 06/04/2026

(Santosh R. Chavan)
Addl. Sessions Judge,
Panvel- Raigad.