

**IN THE COURT OF
ADDITIONAL DISTRICT & SESSIONS JUDGE-1
DAKSHIN DINAJPUR AT
BALURGHAT**

PRESENT : Mr.Ansuman Chattopadhyay
 Addl.District & Sessions Judge-1
 Dakshin Dinajpur at Balurghat
 JO Code : WB00-820.

SESSIONS CASE NO. 36 OF 2026
Sessions Trial No. 21 of 2026
Computer Regn.No. 36 of 2026
CNR : WBDD01-000284-2026

DETAILS OF CRIME : **HILI P.S.CASE NO. 231 OF 2025 DT. 10.11.2025**

COMPLAINANT/STATE	ACCUSED PERSONS	UNDER SECTIONS
THE STATE OF WEST BENGAL	1. MD.MASUM S/O.Ruhul Amin Village : Lakshipur P.S.Lakshipur District: Chattagram Bangladesh	14A(b) Foreigners Act
	YUSUB MANDAL S/O.Ajijul Mandal Patiram Dakshinpara P.S.Patiram ; Dakshin Dinajpur	14C Foreigners Act

ADVOCATES ON RECORD

Bidisha Saha.....	Legal Aid Defence Counsel
Sajal Kumar Ghosh.....	Ld.Addl. Public Prosecutor

ORDER NO. 07
04-06-2026

1. Out of two(02) charge sheeted accused persons, accused Md.Masum is produced from Balurghat Central Correctional Home and another accused namely Yusub Mandal on court bail is present by filing hazira. Ld. Advocate on behalf of accused Md.Masum and Ld.Advocate for another accused is also present.

2. Today is fixed for consideration of Charge. Heard both sides. Perused the materials available on record and case diary. Having heard both sides and considering the materials on record it appears to this court that accused Md.Masum has prayed to plead guilty in this case claiming himself as Bangladeshi National. It further appears to me that he is in custody since 11.11.2025 and against whom Charge sheet has been submitted u/s-14A(b) of the Foreigners Act 1946 as amended up to 2004.

3. In course of hearing Id. P.P. -in- Charge expressed his willingness to frame charge against the accused person u/s 14A(b) of the Foreigner's Act. Perusal of the materials on record further reveals that the area from where the aforesaid accused person had been allegedly arrested in connection with this case is a 'Restricted Area' as it is required to attract section 14A(b) of the Foreigners Act under which the prosecution is willing to frame charge in this case. Considering the facts and circumstances as well as other materials available within the four corner of the case record it appears to me that section 14A(b) of the Foreigners Act is well attracted against the present accused persons in this case as he being Bangladeshi National having entered into 'Restricted Area' of the Indian Territory without valid passport or other authority .

4. Accordingly, this court is of the view that charge may be framed against the aforesaid accused person (Bangladeshi National) namely Md.Masum u/s 14A(b) of the Foreigners Act as there are sufficient materials in this regard against him. On the other hand, there are also sufficient materials to frame charge against another accused namely Yusub Mandal for offence under sec.14C of the Foreigners Act.

5. In the given circumstances the court framed charge against the aforesaid accused namely Md.Masum (Bangladeshi National) u/s 14A(b) of the Foreigners Act which is written on a separate prescribed form and kept with the record. The aforesaid

charge is read over and explained to the accused persons in Bengali to which accused Md.Masum pleaded guilty individually saying 'AMI DOSHI' and another accused namely Yusubh Mandol pleaded not guilty by saying "Nirdosh:. Since the Bangladeshi accused appears to have pleaded guilty voluntarily without any fear or pressure from any corner, the same stands accepted and the petition filed by them to that effect stands allowed and disposed of.

6. In the given circumstances the accused person namely Md.Masum being Bangladeshi National is hereby convicted u/s.252 of the Bharatiya Nagarik Suraksha Sanhita for the offence u/s 14A(b) of the Foreigners Act and sentenced to suffer S.I for 02 [two] years and to pay fine of Rs.10,000/- [ten thousand] i.d to suffer further S.I for 6 [six] months .

7. Let the period of detention already undergone by the aforesaid convicts Md.Masum till today, as UTP be set off against the substantive term of imprisonment imposed upon them u/s 468 of the B.N.S.S.

8. Since the aforesaid convict [Md.Masum] appears to be Bangladeshi National, he is required to be sent back to his Home country after completion of the sentence imposed upon them and necessary steps are required to be taken in this regard by the administration.

9. In the given circumstances, let a copy of this order be sent to the District Magistrate Dakshin Dinajpur for his/her information and taking necessary action from his/her end so that the aforesaid Bangladeshi convict [Md.Masum] be sent back to his homeland after completion of the sentence and a compliance report be submitted at the earliest in this regard.

10. Inasmuch as , rest one accused namely Yusub Mandol pleaded not guilty for offence u/s.14C of Foreigners Act and claimed for trial, let the case be posted for prosecution evidence.

11. Fix 21/08/2026 for evidence of C.S.W-1.

Prosecution to take steps for producing the witness on the date fixed.

Accused Yusub Mandal as before.

Dict.& Corr. By

A.D & S.J,1st Court

**Addl. District & Sessions Judge,1st Court
Dakshin Dinajpur at Balurghat**

High Court Criminal Form No.(P)38

CHARGE WITH ONE HEAD

(No. XXVIII(II), Schedule V, Act V,1898)
Sections 221, 222, 223, Code of Criminal Procedure)

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Name & Office of

Magistrate, & Judge, I Mr.Ansuman Chattopadhyay
Addl. Dist. & Sessions Judge,1st Court
Dakshin Dinajpur at Balurghat,

hereby charge you, name of the accused person as follows-

1.Md.Masum

FIRSTLY.,That you on 10/11/2025 at about 20:25 hrs police official of Hili at Dakshin Dinajpur apprehended you and found that you being foreign national entered into Indian territory without any valid documents like passport and Visa etc. in the District of Dakshin Dinajpur being a restricted area and hence violated the Foreigners (Restricted Areas) Order, 1963 and that thereby you have committed an offense punishable **u/s. 14A(b) of the Foreigners Act** and the same is,
within the cognizance of this Court
(4) In cases tried
by Magistrate, “by the said court”

And I hereby direct you be tried by the said Court on the said charge

The contents of the charge is read over and explained to the **accused persons who pleaded guilty and prayed for mercy.**

Dated: **The 4th Day June ,2026** Additional Sessions Judge,1st Court
Dakshin Dinajpur at Balurghat

(No. XXVIII(II), Schedule V, Act V, 1898)

SESSIONS CASE NO. 36 OF 2026

Computer Regn.No. 36 of 2026

Name & Office of

Mr. Ansuman Chattopadhyay

Dakshin Dinajpur at Balurghat,

name of the accused person as follows-

IRSTLY.,That you on 10/11/2025 at about 20:25 hours at village Dumran near BP No.281/54-S under P.S.Hili Dakshin Dinajpur,BSF personnels apprehended B.D National Mantosh Barman and found that you being Indian citizen harboured the said Mantosh Barman and that thereby you have committed an offense punishable **u/s. 14C of the Foreigners Act** and the same is,

(4) In cases tried

And I hereby direct you be tried by the said Court on the said charge

Dated: The 4th Day June ,2026

Additional Sessions Judge, 1st Court
Dakshin Dinajpur at Balurghat