

**Sessions Case No.72 of 2023**  
**Sessions Trial No.1 (12) 23**  
**C. I. S. Registration No.78 of 2023**  
**C. N. R. No.WBJP01-000903-2023**  
**J. O. Code – WB00740**

**Order No.1,**

**Dated - 11.12.2023.**

Accused person, namely, Safikul Islam is produced from J/C and another accused person, namely, Mahabul Hoque is present by filing hazira.

Ld. P.P.-in-charge is present.

The Ld. Advocate for the accused person is also present.

A petition duly attested by Hazat-in-charge, Sadar Court, Jalpaiguri has been filed on behalf of the accused Safikul Islam contending that he wants to plead guilty.

Heard both sides on that ground.

Perused the materials on record.

It appears that police has submitted charge-sheet against the accused persons under Section **379/411** of the Indian Penal Code and under Section **14** of the Foreigners Act. Accordingly, the substance of the allegation to the effect that on 21.11.2019 as per information of chance of smuggling of cattle near BP No.778/8-s a ambush party was formed and the ambush party between point no.3 and 4 which is an unfenced area, saw some movements of 5 to 6 miscreants with cattle at about 02:00 to 03:40 hours and ambush party challenged them and caught Safikul along with two others and amongst them Safikul is a Bangladesh National. The substance of the allegation is read over and explained to the accused person in Bengali to which he pleaded guilty by saying 'AMI DOSHI'.

On hearing the accused Safikul Islam I find that the he pleaded guilty voluntarily knowing the consequences thereof.

In view of the aforesaid facts I am inclined to accept the plea of guilt of the accused person, namely, Safikul Islam. In view of acceptance of plea of guilt the accused person is found guilty of the offence punishable under Section **379/411** of the Indian Penal Code and under Section **14** of the Foreigners Act and consequently he is convicted for the offence punishable under Section **379/411** of the Indian Penal Code and under Section **14** of the Foreigners Act.

The convict Safikul Islam is sentenced to suffer S.I. for two (2) years for the offence punishable under Section **14** of the Foreigners Act and further to pay a fine of Rs.10,000/- i.d. to suffer S.I. for one (1) month.

The convict Safikul Islam is sentenced to suffer S.I. for six (6) months for the offence punishable under Section **379** of the Indian Penal Code.

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The convict Safikul Islam is sentenced to suffer S.I. for three (3) months for the offence punishable under Section **411** of the Indian Penal Code.

All the sentence shall run concurrently.

The period of detention undergone by the convict during investigation, enquiry and trial be set off under Section 428 of the Cr.P.C.

A copy of order be sent the Superintendent of Police (DEB), Jalpaiguri for information and taking necessary action.

Let a copy of the order be also sent the Superintendent of Central Correctional Home, Jalpaiguri, District Magistrate, Jalpaiguri and to the Secretary of District Legal Services Authority, Jalpaiguri for information and taking necessary action with regard to repatriation of the convict.

Now, the case record is taken up for consideration of charge in respect of accused Mahabul Hoque.

Heard both the sides. Perused the materials on record, LCR and CD including materials relevant under section 173(5) of the Cr.P.C.

Considered.

Ld. PP-in-charge opens the prosecution case by proposing that the prosecution intends to bring charge against the accused person, namely, Mahabul Hoque for offence punishable under Section **379/411** of the Indian Penal Code and under Section **14** of the Foreigners Act.

Keeping in view of the facts and circumstances of this case and the materials available on record I am of the opinion that there is sufficient ground to frame charge against the accused Mahabul Hoque for offence punishable under Section **379/411** of the Indian Penal Code and under Section **14** of the Foreigners Act.

Accordingly, formal charge is framed against the accused Mahabul Hoque for offence punishable under Section **379/411** of the Indian Penal Code and under Section **14** of the Foreigners Act. Said charge is read over as well as explained to him to which he pleads not guilty saying "AMI NIRDOSH" and he claimed to be tried.

Fix **12.03.2024** for evidence of C.S.W.-1.

Issue summons accordingly.

Todate for appearance.

**Dictated & corrected by me.**

**Additional Sessions Judge,  
3rd (Special) Court, Jalpaiguri.**

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3rd (Special) Court, Jalpaiguri.**