

S/C No. 89/2024.
S.T No.02(08)25.

Order No.01,
05.08.2025.

Today is fixed for production of the accused Hasan and appearance of accd. Jakir Mohd and also for consideration of charge.

Ld. P.P-in-charge and Ld. Advocate for accused persons are present before this court.

The record is now taking up for framing of charge against the accused persons. It appears from materials in case diary that the above named accused persons namely, Hasan committed offence u/s.14A of the Foreigners Act and Jakir Mohd committed an offence, punishable, u/s.14(C) of the Foreigners' Act and when the contents of the charge has been read over and explained to them in their own language/vernacular, understanding the contents, the accd. Hasan pleads guilty before this court by saying that, '*Hya; ami doshi, ei aporadh ami korechi. Ami aboidho bhabe Bharate dhukechilam ebong amar kache boidho kono kagoj patro chilo na,*' whereas the other two accd. person viz. Jakir Mohd. pleads 'not guilty' and claims to be tried in Open Court.

As it appeared to this Ld. Court that the accd. Hasan has pleaded 'guilty' before this court voluntarily, such plea of guilt is accepted and he is convicted, u/s. 14A of the Foreigners Act as per sec.229 of Cr.P.C. Sentence will be passed after 1/2 hour after hearing the convict on the point of sentence.

Later, after 1/2 hour:- At this juncture, the accused submits before this court that he is a young man of about 20 years of age and he entered India for his livelihood, he has got very little education and he has no other criminal case pending against him and he prayed for mercy.

After hearing the convict, it appears to this Ld. Court that he can not get benefits under the probation of offenders Act and as such, he can not get the benefits laid down in sec.360 of Cr.P.C.

So, considering all the circumstances, I am of the opinion that the convict is liable to suffer simple imprisonment for 2 years, which shall be just, proper, reasonable and sufficient in the present case.

I am also of the opinion that the convict is liable to pay a fine of Rs.40,000/- (forty thousand) only, i.d of which, the convict shall be liable to suffer S.I for a further period of 1 (one) year.

Charge in separate sheet is kept in the record.

Hence, it is ,

ORDERED

That the accused, Hasan is held guilty in respect of the offence punishable under section 14A of the Foreigners Act and he is accordingly, convicted as per section 229 of the Code of Criminal Procedure.

Convict, Hasan, son of Ulad Hossen, Vill. Kolagachia, P.O – Manipur, P.S. Homma, Dist. Comilla, Bangladesh is sentenced to suffer simple imprisonment for two(2) years. Convict is further sentenced to pay fine of Rs. 40,000/- (forty thousand), in default of payment of which the convict is liable to suffer simple imprisonment for further 1(one) year.

Convict is in custody since 21.02.2024 as it appears from this case record. The period of detention already undergone by convict shall be set off with the sentence as aforesaid as per section 428 of Cr.P.C. After expiry of the sentence period the prison authority is directed to arrange for repatriation of the convict immediately.

Issue jail warrant accordingly.

Let copies of this order be sent to the 1) Ministry of Home Affairs, Govt. of India, 2) District Magistrate, Jalpaiguri, 3) Superintendent, Central Correctional Home, Jalpaiguri & 4) Convict/ Rabiul Hawaldar @ Sajid Khan for their information and necessary action if any. Office is directed to take note and comply.

So far the another accd. Jakir Mohd is concerned, charge u/s. 14(C) of the Foreigners' Act has been framed against them.

Fix -

15.12.2025 for evidence of P.W.s.1 & 2

&

16.12.2025 for evidence of P.W.s.3 & 4.

Issue summons accordingly.

Prosecution is directed to take steps for issuing summons.

Accd. as before.

Charges are framed in two separate sheets and let the same be kept with the record.

Dictated and rectified by me,

Additional Sessions Judge,
4th Court, Jalpaiguri.

Additional Sessions Judge,
4th Court, Jalpaiguri.