

**In the Court of the Additional District & Sessions Judge, 2nd Court,
Bongaon, Dist.- North 24 Parganas**

Before

Shri Pradip Kumar Adhikary, WBSJ,
J O Code (UID No.) - WB916,
Additional District & Sessions Judge, 2nd Court,
Bongaon, Dist.- North 24 Parganas.

CNR No.- WBNP 0600 0059 2025
SC No.- 81 of 2025
ST No.- 31 (04) of 2025
arising out of
Petrapole PS Case No.- 160 of 2024 dated 02/12/2024

Charge framed under section 14-A(b) of the Foreigners Act, 1946

State

represented by Ld. PP-in-Charge Shri Jahar Biswas

v.

Saiful Islam

represented by Ld. Advocate Janab Abu Taher Mondal

Order No.- 03
28/04/2025

Today is fixed for production of the accused.

The sole accused is produced from judicial custody.

He is remanded to judicial custody till next date.

The accused is represented by Ld. Advocate Janab Abu Taher Mondal.

The Ld. PP-in-Charge is present by filing hazira.

It appears that the copies of police report, first information report recorded under section 154 CrPC, statement recorded under section 161 CrPC of all persons whom the prosecution proposes to examine as its witnesses and all other documents or relevant extract thereof forwarded by the police officer under section 173 of the CrPC were already furnished to the accused, free of cost, in accordance with the provisions of section 207 read with section 209 of the Cr.P.C.

The case record is taken up for framing of charge against the accused.

Considered the record of the case and the documents submitted therewith.

Heard both sides.

The PP-in-Charge opens his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused.

Heard the submissions of the accused on the record of the case and documents as filed by the prosecution.

The accused has neither produced any materials and documents nor explained grave suspicion against him emerging from the charge-sheet along with the accompanying materials and documents.

Rather the accused has filed an application voluntarily pleading his guilty for committing offence labelled against him.

Upon such consideration and hearing the Court is of opinion that there is ground for presuming that the accused has committed offence which is exclusively triable by the Court of Session and accordingly, charge punishable **under section 14A(b) of the Foreigners Act, 1946** is framed in writing against the accused in a separate charge form which is kept with the record.

The said charge is then read over and explained to the accused in Bengali and asked whether he pleaded guilty of the offence charged or claimed to be tried to which the accused has pleaded by saying “**Ami Doshi**”.

The plea of guilty as made by the accused voluntarily is accepted.

Hence, is it

ordered

that the accused is found guilty of the offence punishable under section section 14A(b) of the Foreigners Act, 1946 and accordingly, he is convicted under section 229 of the Code of Criminal Procedure, 1973.

The convict is already in custody.

The factum of conviction and the prescribed punishment for the offence punishable under section 14A(b) of the Foreigners Act, 1946 are explained to the convict.

The convict is asked to place and produce adequate materials relating to various factors bearing on the imposition of appropriate sentence as well as to lead evidence, if necessary, for the purpose of establishing the same before the Court.

The convict is asked to produce necessary data and make his respective contentions on the question of sentence.

Efforts have been made to elicit from the accused all relevant information bearing on sentence from a broad sociological point of view.

The convict has neither produced any adequate materials nor placed any necessary date nor lead any evidence on the point of sentence that may be imposed upon him.

No post occurrence development has referred by the convict.

No previous conviction or other criminal record of the convict is apparent from the four corners of the record.

On being asked the convict has pleaded that he came to India in search of job and he has old aged parents, wife and children in his family at Bangladesh.

The Ld. Advocate on behalf of the convict has prayed for imposing minimum punishment.

The Ld. PP-in-Charge of the case has prayed for imposition of appropriate punishment.

It has admitted by the accused that he has illegally infiltrated to the Indian territory without any kind of document.

It is needless to say that this type of illegal and unlawful infiltration to the Indian territory is a big threat to country’s sovereignty as well as to the national economy.

In **Sarbananda Sonowal v Union of India : Writ Petition (Civil) No.- 131 of 2000** (Date of judgment – 12/07/2005) the Hon’ble Apex Court has been pleased to observe that

4. It is difficult to make a realistic estimate of the number of illegal immigrants from Bangladesh because they enter surreptitiously and are able to mingle easily with the local population due to ethnic and linguistic similarities. The demographic composition in the districts bordering Bangladesh has altered with the illegal immigration from Bangladesh. The districts of Assam and West Bengal bordering Bangladesh have recorded growth of population higher than the national average. The States of Meghalaya, Mizoram and Tripura have also recorded high rates of population growth. Illegal immigrants from Bangladesh have also been using West

Bengal as a corridor to migrate to other parts of the country.

5. The large-scale influx of illegal Bangladesh immigrants has led to large tracts of sensitive international borders being occupied by foreigners. This has serious implications for internal security.

In view of the above the convict is punished with simple imprisonment for a term of 04 years and also with fine of Rs. 20,000/- (Rupees twenty thousand only) in default of payment of said fine to suffer simple imprisonment for a term of six (06) months for the offence punishable under section 14-A(b) of the Foreigners Act, 1946.

The period of detention undergone by the convict during investigation, inquiry or trial of this case and before this date of conviction, be set off against the term of imprisonment imposed on him and the liability of the convict to undergo imprisonment on conviction be restricted to the remainder of the term of the imprisonment imposed on him.

The Bench Clerk is directed to issue warrant of commitment of sentence of imprisonment at once.

The convict be departed to his home address at Bangladesh on expiry of the period of sentence of imprisonment after complying with the formalities of departure.

Let a copy of this order along with warrant of commitment of sentence of imprisonment be sent to the Superintendent, Dum Dum Central Correctional Home for compliance.

Let a copy of this order be sent to the District Magistrate, North 24 Parganas information and taking necessary action.

The Bench Clerk is directed to do the needful at once.

Typed by me

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