

West Bengal Form No.3959
High Court Criminal Form No.(p)39

ST 1(8)2025

CHARGES WITH TWO HEADS
[No. XXVIII (II), SCHEDULE V, ACT, 1808]
[Sections 221,222, 223, Code of Criminal Procedure]

Name and office of I, Sanjay Naskar, Additional Sessions Judge, Fast
Track 3rd Court at Basirhat, North 24 Parganas.

hereby charge you namely

as follows :

Accused named

Ariful Adnan

Fristly That you, on 13.07.2024, at about 17:20 hrs, at Atrianan-3 vessel, at ICP Hemnagar entered into India without any valid passport or travel documents and that you thereby committed an offence punishable u/s **14A(b)** of the **Foreigners Act** and within the cognizance of this court.

Secondly –That you, on 13.07.2024, at about 17:20 hrs, at Atrianan-3 vessel, at ICP Hemnagar, by electronic communication by whats app and otherwise excited and attempted to excite subversive activities and endangered sovereignty, unity, integrity of India and indulged in and committed such acts by procuring Indian SIM cards and by selling the same after being activated to different touts and by sharing SIM cards numbers to foreign entities including Pakistan wherein foreign entities activated Whats app with your said Indian SIM cards by sharing real time OTPs in Whats app and by receiving OTPs allowing activation of Whats app account in the your Indian mobile phone from Pakistan and by running business of sharing OTPs in Whats app and other social media platforms through Indian SIM cards and that you thereby committed an offence punishable u/s **152 of the BNS** and within the cognizance of this court.

That the content of the said charges is read over and explained to him to which he pleads not guilty but claims to be tried.

And, hereby direct that you be tried by the said Court on the said charges.

Dated this 08th day of August, 2025

Additional Sessions Judge,
Fast Track 3rd Court, Basirhat,
North 24 Parganas

ST No. 1(8)2025

Order no.1, dt. 08.08.2025.

The accused person is produced from JC through VC and identified by the data entry operator of the concerned correctional home. He is taken into custody and remanded to JC till date. To day is fixed for consideration of charge.

Ld. PP- in- charge is present.

Heard both sides.

Perused the case records, charge sheet and the documents filed.

It appears that the charge sheet came to be lodged against the accused for committing the offence punishable u/s 152/319(2)/318(4)/61 of BNS read with sec. 14(A)b of Foreigners Act. It is alleged that the accused was running a fraudulent business of sharing OTP through whats app and other social media platforms through his Indian SIM cards which were obtained by false personification and was involved in subversive activities endangering the sovereignty, unity and integrity of India. It is further alleged that on 13.07.2024, at about 17:20 hrs, at Atrianan-3 vessel, at ICP Hemnagar, by electronic communication by whats app, the accused excited and attempted to excite subversive activities and endangered sovereignty, unity, integrity of India and indulged in and committed such acts by procuring Indian SIM cards and by selling the same after being activated to different touts and by sharing SIM cards numbers to foreign entities including Pakistan wherein foreign entities activated Whats app with his said Indian SIM cards by sharing real time OTPs in Whats app and by receiving OTPs allowing activation of Whats app account in the his Indian mobile phone from Pakistan and he also entered into Indian territory without any valid travel documents.

It is pertinent to mention that there is a single accused. To attract sec. 61 of BNS, the accused should conspire with two or more persons. So, sec. 61 of BNS is not applicable in this case.

On perusal of the case records, charge sheet and the documents filed, it further appears that it is not mentioned (I) to whom deception was practiced; (ii) to whom the accused personated himself; (iii) the accused fraudulently induced whom; (iv) who was cheated; (v) who was induced dishonestly to deliver what property or valuable security or anything which is sealed or signed or is capable of being converted into valuable security. So, there is no sufficient materials for presuming that the accused has committed the offence punishable u/s 319(2)318(4)/61 of BNS.

On perusal of the case records, charge sheet and the documents filed, this Court feels, there are sufficient materials for presuming, the accused person has committed the offence punishable u/s 152 of BNS read with sec.14(A)b of Foreigners Act. The substance of accusation of the offence punishable u/s 152 of BNS read with sec.14(A)b of Foreigners Act is read over and explained to the accused person to which he pleads not guilty but claims to be tried. The charge so framed is also written in separate form and kept with the record. Thus the charge has been framed against the accused person.

To01.09.25....for evidence of CSW 1&2.

Issue summon accordingly.

Accused as before.

Additional Sessions Judge,
Fast Track 3rd Court, Basirhat,
North 24 Parganas