

ST 06 (03)/2022

Order no. 24

03.02.2023

Among total 8 (eight) accused persons 6 (six) accused persons namely Abdul Halim, Md. Sagar Hawladar, Md. Sujan, Md. Raju, Md. Sahid Sardar and Md. Ali Akbar Sardar are produced from JC. Rest 2 (two) accused persons namely Madhab Mahajan and Santosh Kumar Chaki are present in dock.

Ld APP for the State and Ld Advocate for the accused person are also present.

Today is fixed for production of the 6 (six) accused persons namely Abdul Halim, Md. Sagar Hawladar, Md. Sujan, Md. Raju, Md. Sahid Sardar and Md. Ali Akbar Sardar, hearing and disposal of their petition for pleading guilty and appearance of rest 2 (two) accused persons on CB.

Record, on scrutiny, reveals that charge U/S 14A of the Foreigners Act, 1946 was framed against the accused persons produce from JC to which they pleaded not guilty and claimed to be tried.

Now the petition filed by the accused persons namely Abdul Halim, Md. Sagar Hawladar, Md. Sujan, Md. Raju, Md. Sahid Sardar and Md. Ali Akbar Sardar on 31.01.2023 for pleading guilty is taken up for hearing and disposal.

Heard the Ld APP and the Ld Advocate for accused persons.

The accused persons who were put in solitary confinement for reflection of their mind, is put in the witness box. The allegations levelled against them by the prosecution is explained to each of them. They are also explained individually that if they plead guilt then they may be convicted on such plea of guilt and sentenced to imprisonment for 2 years or for such term that may extent to 8 years, and also with fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees for the offence punishable 14A of the Foreigners Act, 1946. After explaining the prosecution allegations against them, and the legal consequences that may follow on their pleading guilt specially with regard to the quantam of punishment as provided for the offence U/S 14A of the Foreigners Act, 1946, the accused states that they knows about the same and, in spite of the probable consequences, they

are ready and willing to plead guilt voluntarily as per his petition filed on 31.01.2023 and the accused persons, being asked stated 'ami doshi' individually.

Considered.

Having heard the submissions of the Ld representative for the parties and on perusal of the materials on record and the CD, it appears to this Court that the accused persons are pleading guilty to charge of enter into and staying in India without any valid document required for such entry or for such stay and after hearing the accused persons on the question of quantum of sentence, this Court is satisfied that the accused understand fully the implications of their pleading guilty. The plea of guilt of the accused persons appears to be voluntary. As such, this Court finds no impediment in recording his pleading of guilt and convicting them accordingly.

Accordingly, the petition for pleading guilty filed by the accused persons namely Abdul Halim, Md. Sagar Hawladar, Md. Sujan, Md. Raju, Md. Sahid Sardar and Md. Ali Akbar Sardar on 31.01.2023, having no reason to be rejected, is hereby allowed.

The plea of guilt offered by the accused persons are hereby accepted.

At this stage, the accused persons are submitted that they are Bangladeshi nationals having their residence at their respective place as mentioned in the C.S. They have a poor family of which they are the sole earning member. They have been in custody for about 3 years 4 months and 20 days and they have decided to plead guilty after realizing their guilt. They plead for leniency in the matter of imposing sentence against them.

The petition filed by the accused persons are found in tune with their submission.

Considering the fact and circumstances, detention already undergone by the accused persons namely Abdul Halim, Md. Sagar Hawladar, Md. Sujan, Md. Raju, Md. Sahid Sardar and Md. Ali Akbar Sardar since their date of arrest on 12.09.2019 their realization about the effects of their offence and also considering the fact of their pleading guilty voluntarily, this Court is of the view that he should be treated leniently in the matter of imposing of sentence against them so that they may get chance to mingle in the society and start their life afresh with their family refraining himself in future from committing such kind of offence.

Considering of these mitigating factors, this Court passes the following Order.

Hence it is,

ORDERED

that the accused persons namely Abdul Halim, Md. Sagar Hawladar, Md. Sujan, Md. Raju, Md. Sahid Sardar and Md. Ali Akbar Sardar are hereby found and held guilty on their pleading guilty voluntarily U/S U/S 14A of the Foreigners Act, 1946. Each of the 6 (Six) accused persons namely Abdul Halim, Md. Sagar Hawladar, Md. Sujan, Md. Raju, Md. Sahid Sardar and Md. Ali Akbar Sardar is convicted and sentenced to suffer simple imprisonment for 3 years 5 months and to pay a fine of Rs. 10,000/- (rupees ten thousand) only i.d. to suffer further S.I. for 1 (one) month, for the offence punishable U/S 14A of the Foreigners Act, 1946.

The detention of above-named convicts in connection with this case during investigation, enquiry or trial be set off against the aforesaid sentence of imprisonment imposed on them.

All the 6 (six) accused convicts namely Abdul Halim, Md. Sagar Hawladar, Md. Sujan, Md. Raju, Md. Sahid Sardar and Md. Ali Akbar Sardar be repatriated to their country of origin on expiry of their period of imprisonment.

The personal proeprty, if any, seized from the possession of those convict be returned to them against receipt after the completion of their sentence of imprisonment.

Issue conviction warrant in respect of this convicts.

Let a copy of this Order be given to each of the convicts free of cost.

Let a copy of this Order be forwarded to the Superintendent, Presidency Correctional Home, Kolkata for his information and taking necessary action.

Another copy of this Order be sent to the Joint C.P., Crime, Kolkata for his information.

To 22.03.2023 for appearance of rest two accused persons namely Madhab Mahajan and Santosh Kumar Chaki and further PWs.

D/C

ADJ, F.T.C-I
Sealdah, 24PGS (S).

