

Order No.6
Dated:18.01.23

Today is fixed for production, appearance and consideration of charge.

Accused ***Md.Al Amin Khan*** is produced from J/C.

Accused Jaisuddin @ Tultuli, Saddam Hussain @ Saddam Md. Is present alongwith their LD. Advocate and has filed Hazira.

Accused Atabur and Bahadur are absent and is represented by their LD. Advocate.

Ld.PP-in-charge Mr. Rohini Kumar Dutta is also present.

Accused ***Md.Al Amin Khan*** by filing duly signed petition signed expresses his willingness to plead guilty. He is represented by his Ld. Advocate Mr.Pratap Kar.

Seen the materials on record where from it appears that CS has been submitted against this accused for the offences u/s 14A(b)/14C of the Foreigners' Act.

Upon perusal of the materials on record, there are grounds to presume that the above named accused has committed offence punishable under section 4A(b) of the Foreigners' Act.. Accordingly, the substance of the accusation is read over and explained to the accused:-

.....“that on 30.12.2019 at about 8.45hrs the border patrolling party noticed some suspicious movement of some persons towards border fence with cattle and on challenged you were apprehended with a big sized Haryana origin cattle and you claimed to be a Bangladesi national of Birgarh, PS Haripur, Dist-Thakurgaon, Bangladesh and that you have crossed the line of IBB without any passport or any legal documents in a clandestine manner and on being asked you could not produce any proof of Indian citizenship. Therefore, an allegation u/s 14A(b) of Foreigners' Act has been made against you. Do you plead guilty?”

Upon fully understanding the substance of the allegation which is read over and explained to the accused in Bengali, he pleaded guilty by saying “আমি দোষী ” and prayed for imposition of minimum sentence.

Heard Ld. Advocate for the accused as well as Ld. PP representing the State. Also heard the above named accused on the point of sentence.

The accused pleads for imposition of minimum sentence.

Having heard the Ld.P.P. as well as the convict on the point of sentence and also considering the fact that the convict is only aged about 19 years, this Court is of the view that the provisions of section 360 of the Probation of the offenders Act will not be appropriate and justice would sub-served if he is sentenced to undergo S.I for three years and pay a fine of Rs.10,000/- (Rupees ten thousand) only for the offence punishable u/s 14A(b) of the Foreigners' Act and in default of payment of fine he shall suffer imprisonment for a further period of three months.

Hence, it is

ORDERED

that the plea of guilt of the of the accused ***Md.Al Amin Khan*** is accepted. He is therefore convicted for the offences punishable U/S 14A(b) of the Foreigners' Act.

The convict ***Md.Al Amin Khan*** is sentenced to undergo S.I for three years and pay a fine

Sessions Case No. 167/2022
CNR No. WBUD01-003683-2022

of Rs.10,000/- (Rupees ten thousand) only for the offence punishable u/s 14A(b) of the Foreigners' Act and in default of payment of fine, he shall suffer imprisonment for a further period of three months.

The period of detention already undergone by the convict from 30.12.2019 be set off U/S 428 of Cr.P.C.

The Superintendent of Raiganj Correctional Home is directed to push back the convict to Bangladesh on completion of the period of his sentence after observing all formalities in accordance with law.

Let a copy of this order be sent to the District Magistrate, Uttar Dinajpur at Raiganj and the Superintendent of Raiganj Correctional Home for information and taking necessary action.

Let a copy of this order be also supplied to the convict free of cost.

Since two accused persons are absent today charge could not be framed against them today. The case shall proceed against the rest accused persons.

Fixing **20.05.23** for appearance and consideration of charge in respect of the rest accused persons who arr on bail.

Dictated by me:

Additional Sessions Judge,FTC-II
Raiganj.

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Raiganj