

CNR No. WBUD050001482021

Sessions Case No: 15/2021

Present :- Sri Lilamoy Mondal,
Additional Sessions Judge,
2nd Court, Islampur, Uttar Dinajpur.
(J.O. Code :- WB00911)

Order No : 04

Dated : 20.03.2021

Accused persons namely, Bakkar @ Md. Bakkar, Meheboob @ Md. Mehboob, Md. Rubel, Md. Jalal and Md. Masoom are produced from J.C. and all are in sound health.

Ld. Lawyer, Md. Nastar Reza, for the accused persons namely, Bakkar @ Md. Bakkar, Meheboob @ Md. Mehboob, Md. Rubel, Md. Jalal and Md. Masoom is present by filing hazira.

Ld Addl.PP in charge, Shambhu Mahato is also present by filing hazira.

At this stage one application is filed on behalf of accused persons, namely, Bakkar @ Md. Bakkar, Meheboob @ Md. Mehboob, Md. Rubel, Md. Jalal and Md. Masoom seeking for pleading guilty on the ground as stated therein and the signatures and LTI of the accused persons have been identified by their advocate Md. Nastar Reza as above without any objection.

Copy served to Ld Addl.PP in charge without any objection.

Record is taken up for consideration of charge.

Heard Ld. Addl. P.P in-charge as well as the respective Ld. Lawyer of the accused persons.

Perused the materials on record. I find that there are sufficient prima facie materials to frame charge for the offence punishable U/S 14 A (a)(b) of the Foreigner's Act against the accused persons, namely, Bakkar @ Md. Bakkar, Meheboob @ Md. Mehboob, Md. Rubel, Md. Jalal and Md. Masoom.

The charge for the offence punishable u/s 14 A(a)(b) of the Foreigners Act against the accused persons namely, Bakkar @ Md. Bakkar, Meheboob @ Md. Mehboob, Md. Rubel, Md. Jalal and Md. Masoom is read over and explained to them to which each of them pleaded guilty saying 'ami doshi' and prayed for mercy.

As accused persons, namely, Bakkar @ Md. Bakkar, Meheboob @ Md. Mehboob, Md. Rubel, Md. Jalal and Md. Masoom have pleaded guilty voluntarily, their plea of guilty is accepted and accordingly, I convict them u/s 229 of the Cr. P.C.

While hearing on the point of sentence the convict stated that they are innocent, by mistake they entered into the Indian Territory, they had no ulterior motive, they want to go back to their native places 1) at village Pipaldangi, P.O.-Manatoli, P.S. - Haripur, Dist. - Thakurganj, 2) at village Athgheria, P.O.-Manatoli, P.S. - Haripur, Dist. - Thakurganj, 3) at village Athgheria, P.O.-Manatoli, P.S. - Haripur, Dist. - Thakurganj, 4) at village Athgheria and 5) at village Menmenchadar, P.O.-Manatoli, P.S. - Haripur, Dist. - Thakurganj respectively of Bangladesh, where their members of family are residing and also

pleaded for mercy, when I have found that the accused have been detaining in custody since 29.08.2019.

Considering the submission of the convicts, I took the lenient view and I think it will be justified to sentence them to suffer simple imprisonment for two (02) years each and to pay fine of Rs. 10,000/- (Rupees ten thousand) only each, in default to suffer further simple imprisonment for thirty (30) days each for the offence punishable U/S 14A (a)(b) of the Foreigners Act.

It appears from the record that the convicts are in J.C. since 29.08.2019.

Hence, it is

ORDERED

That the convicts, namely, Bakkar @ Md. Bakkar, Meheboob @ Md. Mehboob, Md. Rubel, Md. Jalal and Md. Masoom are found guilty for the offence punishable u/s 14 A (a)(b) of the Foreigners Act and they are accordingly convicted under section 229 of the Cr. P.C. keeping in view that the accused persons are family men and sole bread earner.

Thus, convicts Bakkar @ Md. Bakkar, Meheboob @ Md. Mehboob, Md. Rubel, Md. Jalal and Md. Masoom are sentenced to suffer simple imprisonment for two (02) years each and to pay fine of Rs. 10,000/- (Rupees ten thousand) only each, in default of payment, they are liable to suffer further simple imprisonment of thirty (30) days each.

The period of detention already undergone by the convicts during inquiry and even after filing C.S. be set off with the sentence as aforesaid as per provision under section 428 of the Cr. P.C.

The convicts namely, Bakkar @ Md. Bakkar, Meheboob @ Md. Mehboob, Md. Rubel, Md. Jalal and Md. Masoom shall be sent back to their native places 1) at village Pipaldangi, P.O.-Manatoli, P.S. - Haripur, Dist. - Thakurganj, 2) at village Athgheria, P.O.-Manatoli, P.S. - Haripur, Dist. - Thakurganj, 3) at village Athgheria, P.O.-Manatoli, P.S. - Haripur, Dist. - Thakurganj, 4) at village Athgheria and 5) at village Menmenchadar, P.O.-Manatoli, P.S. - Haripur, Dist. - Thakurganj respectively of Bangladesh after completion of their period of sentence.

Let a copy of this order be given to each of the convicts free of costs.

Let a copy of this order be sent to the District Magistrate, U/Dinajpur, for information and necessary action.

Dictated & corrected by me.

Sd/-

(Lilamoy Mondal),
Addl. Sessions Judge,
2nd Court Islampur, U/Dinajpur.

Sd/-

(Lilamoy Mondal),
Addl. Sessions Judge
2nd Court, Islampur, U/Dinajpur.