

TRHC010006652026

2026:THC:876



**HIGH COURT OF TRIPURA
AGARTALA
Crl. A(J) 14 of 2026**

1. Suhag Mia (23)

S/o- Annu Mia, Village Sanjarpur, P.S. Kulaura, District - Moulvi Bazar, Bangladesh.

2. Mashud Ali (26)

S/o- Jalal Mia, Village Haripur, P.S. Kulaura, District - Moulvi Bazar, Bangladesh.

3. Sipar Ahmed (22)

S/o- Tayub Ali @ Taiyab Ali, Village- Haripur, P.S Kulaura, District- Moulvi Bazar, Bangladesh.

.....Convict Appellants.

Versus

The State of Tripura

.....Respondent

For the Appellant(s)	:	Mr. Subrata Sarkar, Sr. Advocate. Mr. K. D Singha, Advocate. Mr. Dhiman Gope, Advocate. Ms. M. Sarkar, Advocate. Ms. P. Chakraborty, Advocate.
For the Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

13.07.2026

[1] This present appeal is filed under Section 416 (2) of BNSS, 2023 against the impugned order dated 13.02.2026, passed by the Ld. Sessions Judge, Unakoti District, Kailashahar, Tripura, in Case No. S.T. 02(U/K) of

2026 (Type -II), whereby the Ld. Trial Court below has convicted the appellants and sentenced them to pay a fine of Rs.5,000/- each for commission of offence punishable under Rule 3(a) Rule 6(a) of the Passport (Entry into India) Act, in default to suffer simple imprisonment for 01 (one) month and also sentenced to suffer rigorous imprisonment for 02 years each and to pay a fine of Rs. 10,000/- (Ten thousand) each, in default, to suffer simple imprisonment for 02 (two) months each for commission of offence punishable under Section 14-A(a)(b) of Foreigners Act.

[2] By filing the present appeal, the appellants have sought for the following reliefs:

“(i) Admit the Appeal; (i)

(ii) Call for the lower court case records of Case No. of Ld. S.T. 02 (U/K) of 2026 (Type-II) of from the court Session Judge, Unakoti District, Kailashahar;

(iii) Stay the execution of sentence;

(iv) Notify the Public Prosecutor;

AND

(v) After hearing, this Hon'ble Court may be pleased to set aside/quash the impugned order of conviction and sentence dated 13.02.2026 passed by the Ld. Session Judge, (Smt. S. Choudhury), Unakoti District, Kailashahar in Case No. S.T. 02 (U/K) of 2026 (Type-II)....”

[3] Mr. Raju Datta, learned P.P. appearing for the respondent-State has placed before this Court a letter dated 10.07.2026 issued by the Under Secretary, Government of Tripura, Home Department addressed to learned Public Prosecutor, High Court of Tripura, informing that the department does not have any objection if this Court directs to push back the appellants to their own country i.e. Bangladesh instead of keeping them in jail to serve imprisonment in compliance of judgment dated 13.02.2026 of the Court of the learned Sessions Judge, Unakoti District, Kailashahar in case No. ST.02 (U/K) of 2026 (Type-II). The said letter be kept on record.

[4] The relevant contents of the said letter dated 10.07.2026 issued by the Under Secretary, Government of Tripura, Home Department, are reproduced as under:

“.....I am directed to refer to your Note dated 24.04.2026 in connection with the Crl. Appeal (1) No.14 of 2026 (Suhag Mlah & 2 Ors. - Vs- the State of Tripura) and to state that the Department does not have any objection if the Hon'ble Court directs to push back the convicted persons to their own country i.e. Bangladesh Instead of keeping him in jail to serve the imprisonment in compliance of the judgment dated 13.02.2026 of the Ld. Court of Sessions Judge, Unakoti District, Kailashahar in Case No.ST.02(U/K) of 2026(Type-II).”

[5] Upon hearing the submissions made at the Bar and on perusal of record on its merits, this Court is of the opinion that , since the appellants are in jail for quite a sufficient period and are foreign nationals, they need to be sent back to their own country. It is further perused that Government is also taking steps for pushing them back as per procedure. Accordingly, this Court directs the respondent-State to take steps as per procedure at the earliest to send the appellants back to their country.

[6] It is also observed by this Court that the amount of period they had already undergone in jail and the remaining period of sentence, if any, stands set off till the appellants are sent to Bangladesh as per procedure. They shall continue to remain in jail and the jail authority shall be their custodian and shall not treat them as convict.

[7] With the above observations and directions, the instant appeal is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J