

^ITEM NO.12

COURT NO.6

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO(s). 109 OF 2010
(for prel. hearing)

MAHAMUDUL HASSAN Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

Date: 08/10/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Santi Ranjan Das, Adv.for
Mrs Sarla Chandra,Adv.

UPON hearing counsel the Court made the following
O R D E R

The Writ Petition is dismissed in terms of the
Reportable order which is placed on the file.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION(CRL.) NO. 109 OF 2010

Mahamudul Hassan ..Petitioner

versus

Union of India & Others ..Respondents

O R D E R

Heard learned counsel for the petitioner.

This is a petition under Article 32 of the Constitution
making various prayers.

Petitioner, who is a Bangladesh national, has been

convicted by the Additional Sessions Judge, Dakshin Dinajpur at Balurghat, West Bengal under the Foreigners Act for illegally entering India and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rupees ten thousand.

In our opinion, if the petitioner has a grievance against that judgment, he has a right of appeal to the High Court on the judicial side. He can also approach the concerned executive authority under Section 432 Cr.P.C. or to the Governor under Article 161 of the Constitution of India.

This is a judicial Court and hence this Court has no power which the executive has under Section 432 Cr.P.C or which the

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Governor has under Article 161 of the Constitution.

With these observations, the Writ Petition is dismissed.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
OCTOBER 08, 2010

.....J.
[T.S. THAKUR]