

**(2025) 02 TEL CK 0975**

**In the Telangana High Court**

**Case No : Criminal Revision Case No.1029 of 2024**

Lamba Saleem

APPELLANT

Vs

State of Telangana

RESPONDENT

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**Date of Decision : 25-02-2025**

**Acts Referred:**

Recovery of Debts Due to Banks and Financial Institutions Act, 1993 — Section 2, 19, 20  
Contract Act, 1872 — Section 72  
Companies Act, 1956 — Section 4(A)

**Citation : (2025) 02 TEL CK 0975**

**Hon'ble Judges :** Moushumi Bhattacharya, J;B.R.Madhusudhan Rao, J

**Bench :** Single Bench

**Advocate :** Bharadwaj Associates, Srinivas Chitturu

**Final Decision :** Dismissed

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## **Judgement**

E.V.Venugopal, J

1 This criminal revision case is filed under Sections 438 and 442 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, aggrieved by the judgment dated 26.9.2024 passed in CrI.A.No.152 of 2024 by the learned Principal Sessions Judge, Ranga Reddy District, wherein and whereby the conviction and sentences imposed upon the revision petitioner / A.4, to suffer rigorous imprisonment for five years and shall also pay fine of Rs.10,000/-, for the offence punishable under Section 14-A of Foreigners Act and to suffer rigorous imprisonment for five years and shall also pay fine of Rs.10,000/-, for the offence punishable under Section 5 r/w Section 14-A of Foreigners Act, 1946, in S.C.No.450 of 2022 by the learned IV Additional Assistant Sessions Judge, Ranga Reddy District at L.B.Nagar, dated 14.9.2024, was modified and was found guilty of the offence under Section 14-A of Foreigners Act only.

2 Heard Sri J.Ashvini Kumar, learned counsel for the revision petitioner and Mr.E.Ganesh, the learned Assistant Public Prosecutor representing the

respondent-State, and perused the record.

3 The factual matrix that led to the filing of the present revision is that the ASI of police, Balapur police station filed a complaint stating that while on perambulation he and his colleagues found accused Nos.1 to 4 and minors moving in suspicious circumstances and when they were detained and questioned, they stated that they had entered into India without proper documents from Myanmar through Bangladesh. Therefore, he brought them to police station and on his report Ex.P.2-FIR was registered. P.W.3 took up further investigation and filed charge sheet against the petitioner herein and other accused stating that they had entered into India without any proper documents and permission and further by trafficking the minors.

4 The accused were charged under Sections 370 (b) IPC, 14-A and Section 5 r/w Section 14-A of the Foreigners Act.

5 In order to bring home the guilt of the accused, the prosecution examined P.Ws.1 to 3 and marked Exs.P.1 and P.2. On behalf of the accused D.Ws.1 and 2 were examined and Exs.D.1 to D.4 were marked.

6 By judgment dated 14.9.2024, while acquitting all the accused for the offence under Section 370 (b) IPC, the learned trial Court found the accused Nos.1 to 4 guilty of the offence under section 14-A of Foreigners Act, 1946 and found the petitioner/A.4 herein guilty of the offence under Section 5 r/w Section 14-A of the Foreigners Act, 1946 also and sentenced as stated supra.

7 Aggrieved, the petitioner – A.4 preferred Criminal Appeal No.152 of 2024 before the learned Principal Sessions Judge, Ranga Reddy District. The learned appellate court, by judgment dated 26.9.2024 allowed the said criminal appeal partly setting aside the conviction and sentence imposed on the petitioner /A.4 by the learned trial Court in S.C.No.450 of 2022 for the offence under Section 5 r/w Section 14-A of the Foreigners Act, 1946. As stated supra, aggrieved by the judgment of the appellate court, dated 26.9.2024, the petitioner preferred the present criminal revision case.

8 The learned counsel for the petitioner submitted that P.W.3 categorically stated that there is no scene of offence in this case and he has not collected any details personally with regard to the accused illegally entering into India by crossing the West Bengal boarder, boarding train at Howrah railway station and coming to Balapur with the help of A.4 (the petitioner herein). It is his submission that in spite of the said categorical statement the trial court as well as the appellate court convicted the petitioner for the offence under Section 14 of the Foreigners Act, 1946. It is his further submission that though the burden of proof lies on the prosecution to prove the guilt of the accused beyond reasonable doubt, the courts below have fixed the liability on the petitioner to establish his innocence, therefore, the sentence is unjustified in the given facts and circumstances of the case. The findings arrived at by the Courts below are not based on any evidence much less legally admissible evidence. The conviction and sentence are based

solely on the alleged admission of D.Ws.1 and 2 that they have entered into India without any valid documents or permission, but the courts below failed to consider the validity of the identity cards issued by the competent authority which is valid and it shall not be construed that the petitioner has entered illegally. Both the courts below have not appreciated the validity of the identity card which are valid for the years 2022 and 2023 and the validity is up to 31.01.2025. As such the petitioner is entitled to acquittal.

9 Refuting the submissions made by the learned counsel for the petitioner, the learned Public Prosecutor, by placing reliance on the counter, submitted that the petitioner herein / A.4 who is Myanmar National came to India without obtaining any permit from the authority notified by the Central Government and also without any valid documents and remained in India and also helped the other accused i.e. A.1 to A.3 for migrating to India illegally, which act of the petitioner poses serious security ramifications for the country and threat to internal and national security. It is further submitted that previously the petitioner involved in illegal human trafficking from Bangladesh and Myanmar citizens into India and that he used to bring Myanmar Rohingya Muslims illegally to Royal Colony, Balaur for which he received commission from them. Hence, the petitioner does not deserve any favourable consideration in this revision and the same is liable to be dismissed.

10 During the course of arguments, the learned counsel for the petitioner submitted a copy of the judgment passed by the learned II Additional Assistant Judge, Ranga Reddy at L.B.Nagar in S.C.No.651 of 2022 wherein the petitioner herein was arrayed as A.1 and he was acquitted of the very same offence i.e. Section 14A of the Foreigners Act, 1946.

11 In the instant case, A.1 and the petitioner herein (A.4) were examined as D.W.1 and D.W.2 before the learned trial Court and exhibited the identity cards issued by the United Nations High Commissioner for Refugees (UNHCR), which is an agency that leads international action to protect refugees, resolve refugee problems and safeguard their rights and well-being and it helps the people who lost their homes after the second World War.

12 Section 14A of the Foreigners Act, 1946 reads as under:

14A. Penalty for entry in restricted areas, etc. —

Whoever. — (a) enters into any area in India, which is restricted for his entry under any order made under this Act, or any direction given in pursuance thereof, without obtaining a permit from the authority, notified by the Central Government in the Official Gazette, for this purpose or remains in such area beyond the period specified in such permit for his stay; or

(b) enters into or stays in any area in India without the valid documents required for such entry or for such stay, as the case may be, under the provisions of any order made under this Act or any direction given in pursuance thereof, shall be

punished with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees; and if he has entered into a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting court why such penalty should not be paid by him.

13 In the instant case, the petitioner himself admitted as D.W.2 that he belong to Myanmar country and entered into India via Bangladesh in the year 2012 without any passport or Visa. Of course the petitioner along with another was given an I.D card, but they were not renewed for every two years.

14 Therefore, he has clearly contravened the above section of law. Hence I see no reason to interfere with the well-reasoned judgment of the courts below. Hence the criminal revision case is liable and is accordingly dismissed.

15 Miscellaneous petitions if any pending shall also stand dismissed.