

(2025) 04 TP CK 0714
In the Tripura High Court
Case No : Criminal Appeal (J) 1 Of 2025

Sanjoy Das And Others

APPELLANT

Vs

State Of Tripura

RESPONDENT

Date of Decision : 03-04-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 374(2), 383
Foreigners Act, 1946 — Section 14A(b), 14C
Indian Penal Code, 1860 — Section 370
Passport Act, 1920 — Section 3
Passport (Entry Into India) Rules, 1950 — Rule 6

Citation : (2025) 04 TP CK 0714

Bench : Single Bench

Advocate : T. Amarnath Goud, J

Final Decision : Allowed/ Disposed Of

Judgement

T. Amarnath Goud, J

[1] Heard Mr. D.K. Das Chaudhury, learned counsel appearing for the appellants. Also heard Mr. Raju Datta, learned PP appearing for the State-respondent.

[2] This present appeal is filed under Section 374(2) read with section 383 of the Code of Criminal Procedure, 1973 (for short Cr.PC) against the judgment and order dated 16.12.2024 passed in case No. ST 09 (Type-II) of 2024 by the learned Sessions Judge, District: South Tripura, Belonia convicting the appellants under Section 14A(b) of the Foreigners Act, 1946 and sentencing each of them to suffer RI for two years and fine of Rs. 10,000/, in default, to suffer SI for fifteen days.

[3] The prosecution story in brief is that on 24.05.2024 at around 20:10 hours the appellants were found wondering in suspicious manner and then they were detained by on duty S.I. of police. On being asked, they disclosed that they are Bangladeshi Nationals and they entered into Indian territory on 23.05.2024 in the evening through Kailashahar Indo-Bangladesh Border without any valid

passport etc.

[4] On the basis of the FIR lodged by the S.I., Sant?rbazar PS Case No.2024/STB/015, under Sec. 370 of IPC, section 3 of Passport Act, 1920 (Entry into India) and section 14A(b)/14C of Foreigners Act, 1946 was registered and after holding investigation, one SI of Police charge-sheeted all the five appellants to stand trial for offences, punishable under section 3 of IPP Act, 1920 (Entry into India) and 14A(b) of Foreigners Act, 1946,

[5] Learned Chief Judicial Magistrate, South Tripura, Belonia after taking cognizance committed the case to the Court of learned Sessions Judge, South Tripura, Belonia for trial who on 05.08.2024 framed charges against all the five appellants for committing offenses punishable under Rule 6 of the Passport (Entry into India) Rules, 1950 and under Sec. 14A(b) of the Foreigners Act, 1946, read over the same to them to which they pleaded not guilty and stood trial.

[6] The case of the accused persons is that they came to India for working purpose and wanted to be sent back to Bangladesh. The appellants, however, declined to adduce any evidence in defense.

[7] On conclusion of trial, learned Sessions Judge on 16.12.2024 by delivering a judgment and order convicted all the five appellants for committing offense punishable under section 14A (b) of the Foreigners Act, 1946. However, the accused persons were not found guilty for committing offence punishable under Rule 6 of the Passport (Entry into India) Rules, 1950 and they were acquitted of the said charge. Learned Sessions Judge awarded punishment to each of the convicts to suffer rigorous imprisonment for two years and fine of Rs. 10,000/- only and in default, to suffer S.I. for fifteen days.

[8] Aggrieved by the impugned order dated 16.12.2024 passed by the learned Court below in case No. ST 09 (Type-II) of 2024, the appellants have preferred the instant appeal seeking the following reliefs:

“(i) Admit the appeal,

(ii) Notice the respondent;

(iii) Call for the trial Court records;

(iv) After hearing set aside, the impugned judgment

and orders of conviction and sentences and acquit the

appellants from the charge leveled against them.....”

[9] Mr. D.K. Das Chaudhury, learned counsel for the appellants submits that the appellants belong to Hinduism and they are facing tremendous difficulties to prosecute their profession in present Bangladesh and for their livelihood they took shelter in neighbouring country which fact escaped the consideration of learned trial judge and the appellants are suffering sentence at Belonia Sub-jail

since they were arrested on 25.05.2024. Learned counsel, therefore, urges this Court to set aside the impugned order dated 16.12.2024 passed by the learned trial Court.

[10] Learned Public Prosecutor submits that at the time of examination by the trial Court, the appellants contended that they are labourers and they came to India for working purpose and wanted to be sent back to Bangladesh. During the course of argument, learned PP submits that there is no adverse record of any criminal activity of the accused appellants is available with the record.

[11] In view of the above submissions made at the Bar, this Court is of the view that since, there is no other case is pending against the appellants and they are poor worker who want to be sent back to their motherland Bangladesh, ends of justice would be met, if a lenient view is taken and they are repatriated to their own country. Accordingly, they are acquitted and the impugned order dated 16.12.2024 passed in case No. ST 09 (Type-II) of 2024 by the learned Sessions Judge, District: South Tripura, Belonia convicting the appellants under Section 14A(b) of the Foreigners Act, 1946 and sentencing each of them to suffer RI for two years and fine of Rs. 10,000/, in default, to suffer SI for fifteen days is hereby set aside.

[12] The State respondent is directed to take step for repatriating the appellants to Bangladesh observing all official formalities with the concerned authorities at the earliest. It is made clear that during the process of repatriating, the appellants shall be under the custody of the State in a Rescue Home or in any other suitable place.

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

Send down the LCR.