

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No.724 of 2023**

***Hena Chowdhury @ Mst. Beauty
Versus
The State of Tripura & Ors.***

***Petitioner(s)
Respondent(s)***

For Petitioner(s) : Mr. Samarjit Bhattacharjee, Advocate
Mr. D. Paul, Advocate

For Respondent(s) : Mr. B. Majumder, Dy. SGI
Mr. Kohinoor N. Bhattacharjee, GA
Ms. A. Chakraborty, Advocate

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

08.02.2024

The present writ petition has been filed seeking the following reliefs:-

" i. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order or direction shall not be issued whereby directing the respondents to cause repatriation of the petitioner with safety & security to her country of origin, i.e., Bangladesh in terms of the order dated 31.05.2023 , passed by the L'd CJM, West Tripura, Agartala in case No. Misc.-946 of 2023.

ii. Issue rule upon the respondents to show cause as to why writ in the nature of mandamus and/or order of direction shall not be issued whereby directing the respondents to hand over the 2(two) smart phones, i.e., Black OPPO Mobile Model No.CPH 2341 and another One Black Realme Mobile, Model No. RMX 3511 of the petitioner, seized vide arrest Memo dated 07.05.2023, by the Airport Police Station.

iii. Make the rules absolute.

iv. Call for records."

During the course of arguments the Mr. Samarjit Bhattacharjee, learned counsel for the petitioner has drawn attention of this court that the petitioner is a Bangladeshi national and in crime No. Airport Police Station Case GDE No.15, dated 07.05.2023 the petitioner was arrested and subsequently case No. Misc.946 of 2023 was registered. In pursuance thereof, the petitioner was also sentenced as per judicial process of the law of the land. The petitioner has completed the sentence and thereafter the State of Tripura has moved the petitioner to detention center at Narsingarh, since then the petitioner is in detention center under the safe custody .

However, at the time of taking the petitioner into custody, a seizer list has been prepared and the petitioner prayed for releasing the same for enabling her to go to mother land i.e., Bangladesh and also to return all the seized articles.

Mr. B. Majumder, learned Dy. SGI placed before this court proceeding dated 05.02.2024 passed by the DIGP (Int.) & SP(SB), Foreigners' Registration Officer, Tripura, Agartala, addressed to the Superintendent of Temporary Detention Center Narsingarh , Agartala, Tripura which is extracted as under :

Government of Tripura
Office of the Superintendent of Police (SB) &
Foreigners' Registration Officer (FRO)
Tripura:: Agartala

No.4454/ SP (SB)/FRO/TPA/19, Dated , Agartala, The 05/02/2024

ORDER

Whereas, Mst. Beauty @ Hena Chowdhury, D/O- Kudrat Ali resident of Bangladesh, holder of Bangladeshi Travel Permit No. BAHG(AGT)/2024/11/59, Dated 29.01.2024 issued by Bangladesh Asstt. High Commissioner, Agartala, Tripura

Bangladesh national,

Was convicted by the Ld. Court of the Chief Judicial Magistrate, Agartala, West Judicial District, Misc. 946/2023 u/s 3 of Passport Entry into India Act and has finished serving the sentence of imprisonment and paid the fine imposed upon her and is now to be deported to her native country.

Therefore, in exercise of powers conferred by Sub-section (2) (c) of Section 3 of the Foreigners' Act, 1946 (XXXI of 1946), I, the undersigned, being the Foreigners' Registration Officer, State – Tripura in pursuance of the General Administration (Political) Department, Government of Tripura, No. F.14 (3)-GA (P)/PP/2023, Dated 1st February, 2024

Order that the above mentioned foreigner:-

(iii) Shall not remain in India and

(iv) Shall depart from India immediately.”

It is seen from the order dated 05.02.2024 that on 06.02.2024 the petitioner has already been deported. In view of the same nothing survives for adjudication. Hence the writ petition has become infructuous and the same is dismissed accordingly.

As a sequel, miscellaneous application, pending if any, shall stand closed.



JUDGE

Paritosh

**SABYASACHI
GHOSH**

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SABYASACHI GHOSH
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