

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. A(J) 11 of 2026

1. **Jamal Shekh**, aged about 26 years, son of Md. Salauddin Sheikh, resident of Kapuria, P.S. Shivgang, Rajshahi, Bangladesh;
2. **Tipu Shekh**, aged about 28 years, son of Md. Amir Shekh, resident of Charanrup Nagar, P.S. Chapal, Nawabganj, Rajshahi, Bangladesh

..... **Appellants**

Versus

State of Tripura

.....**Respondent**

For the Appellant(s)	: Mr. Sankar Lodh, Advocate. Mr. Subham Majumder, Advocate. Mr. Kishalay Roy, Advocate. Mr. Gopal Singha, Advocate
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For the Respondent(s)	: Mr. Raju Datta, P.P.
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Date of hearing & delivery of Judgment & order	: 30.03.2026.
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Whether fit for reporting	: No
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**HON'BLE JUSTICE DR. T. AMARNATH GOUD
JUDGMENT & ORDER(ORAL)**

[1] Heard Mr. Sankar Lodh, learned counsel appearing for the appellants. Also heard Mr. Raju Datta, learned P.P. appearing for the State respondent.

[2] This present appeal is filed under Section 415 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, corresponding to Section 374(2) of the Code Of Criminal Procedure, 1973, against the impugned Judgment of Conviction and Sentence dated 06.05.2025, passed by the learned Additional

Sessions Judge, Gomati Judicial District, Udaipur, in S.T. 26 of 2024, whereby learned Additional Sessions Judge, Gomati, Udaipur, convicted the appellants for committing offences, punishable under Sections 3 of the Passport (Entry into India) Amendment Act, 2000 and Section 14(A)(b) of the Foreigners Act, and sentenced them to suffer Rigorous Imprisonment for 3(three) months and to pay a fine of Rs.25,000/-and in default of payment of fine to suffer further rigorous imprisonment for a period of two months for the offence punishable under Section 3 of the Passport (Entry into India) Amendment Act, 2000, and further sentenced them to suffer Rigorous Imprisonment for 2(two) years, and to pay a fine of Rs.30,000/- and in default of payment of fine, to suffer further rigorous imprisonment for a period of 2 (two) months, for committing offence, punishable under Section 14(A)(b) of the Foreigners Act.

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

“...Under the circumstances stated above it is most humbly prayed that Your Lordships would be graciously pleased to admit the appeal, call for the records, and thereafter, set aside the impugned Judgment of Conviction and Order of Sentence dated 06.05.2025, passed by the Ld. Additional Sessions Judge, Gomati Judicial District, Udaipur, in S.T. (T-1) 26 of 2024, whereby learned Ld. Additional Sessions Judge, Gomati, Udaipur, convicted the appellants for committing offences, punishable under Sections 3 of the Passport (Entry into India) Amendment Act, 2000 and Section 14(A)(b) of the Foreigners Act, and sentenced them to suffer Rigorous Imprisonment for 3(three) months and to pay a fine of Rs.25,000/- and in default of payment of fine to suffer further rigorous imprisonment for a period of two months for the offence punishable under Section 3 of the Passport (Entry into India) Amendment Act, 2000, and further sentenced them to suffer Rigorous Imprisonment for 2(two) years, and to pay a fine of Rs 30,000/- and in default of payment of fine, to suffer further rigorous imprisonment for a period of 2(two) months, for committing offence, punishable under Section 14(A)(b) of the Foreigners Act, and thereafter acquit the appellants from the charges with a direction to the appropriate authority(s) to make necessary arrangement to deport the appellants to Bangladesh, and pass any other Order(s) as may be deemed fit and proper for fair ends of justice;.....”

[4] It is brought to the notice of this Court that the convict appellants were sentenced to suffer 2(two) years imprisonment under Section 14(A)(b) of the Foreigners Act and the appellants were arrested on 21.07.2024 and during the trial, they had confessed to their guilt of entering into India without valid documents. During the course of argument, no other criminal records against

the appellants have been placed by the learned P.P. It is also stated on behalf of the State respondent that the appellants are in jail from the inception of the crime.

[5] It is seen from record that by order dated 23.03.2026 in CrI.A(J) 11 of 2026, the learned P.P. was directed to obtain written instruction from the Secretary, Department of Home, Government of Tripura and in compliance of the same, Mr. Raju Datta, learned P.P. has placed before this Court two letters of the inter-departmental communications dated 26th March 2026 and 28th March, 2026 respectively.

[6] In the said letter dated 26th March, 2023 addressed to Asstt. Insp. Genl. of Police (Crime), PHQ, Agartala, Tripura, the Superintendent of Police Gomati Udaipur, Tripura has stated that if this Court directs to push back the convict persons to their own country i.e. Bangladesh instead of keeping them in the jail to serve the imprisonment in compliance of the order passed by the learned Addl. Sessions Judge, Gomati District, Udaipur in connection with case No. ST.26 of 2024 vide order dated, 06.05.2025, in that regard, there would be no objection from the Police Department.

[7] Thereafter, by the aforesaid letter dated 28th March, 2023, the Asstt. Inspector General of Police (Crime) for Director General of Police, Tripura informed the Joint Secretary, Home Department, Government of Tripura, Agartala that the department does not have any objection if this Court directs to push back the convict persons to their own country i.e. Bangladesh instead of keeping them in jail to suffer imprisonment.

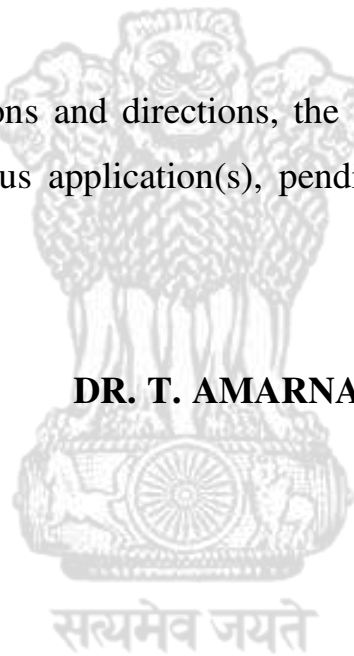
[8] Upon hearing the submissions made at the Bar and on perusal of record, this Court is of the opinion that since there is no antecedence against the appellants and considering that in the absence of the appellants their respective families in the abroad will also suffer, a lenient/humanitarian view may be taken observing this as their first offence. Thus, this Court considers that the punishment imposed in the Judgment of Conviction and Sentence dated 06.05.2025, passed by the learned Additional Sessions Judge, Gomati Judicial

District, Udaipur, in S.T. 26 of 2024, should be modified to the extent the appellants herein have undergone in custody from the date of their arrest to till date and accordingly, the same is ordered. All necessary steps be taken by the State respondent to push-back the appellants as per procedure.

[9] It is also ordered that the appellants shall continue to be in the prison not as convict and the prison authority shall act as a custodian for the appellants until they are repatriated to their own country. As and when the respondent-State takes decision to move the appellants from the State of Tripura/India to Bangladesh, they will do so as per procedure and the appellants shall then be released at the earliest.

[10] 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



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