(2026:THC:610)

TRHC010019722025

HIGH COURT OF TRIPURA
AGARTALA

Crl. A(J) 87 of 2025

Sharmin Akter,
wife of Rajib Khan,
Of- Kanaipur, P.O. Kutalipara, P.S. Faridpur
Dist.- Faridpur, Bangladesh

……**Convict- Appellant**

Versus

State of Tripura

.....**Respondent**

For the Appellant(s)	: Mr. Arjun Acharjee, Advocate Ms. Moon Basu, Advocate
For the Respondent(s)	: Mr. Raju Datta, P.P. Mr. R. Saha, Addl. P.P.
Date of hearing & delivery of Judgment & order	: 14.05.2026.
Whether fit for reporting	: No

HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R(ORAL)

[1] This present appeal is filed under Section 415 of BNSS against the impugned order of conviction and sentence dated 04-06-2025 passed by learned Sessions Judge, Dhalai District, Ambassa in case No. S.T(Type-II) 04 of 2025 whereby and where under the appellant has been convicted under Section 336 (3) of BNS, 2023 and sentenced her to suffer simple imprisonment for 5 (five) years and to pay a fine of Rs. 10,000/-(ten thousand) for the same offence, in default to pay fine, to suffer S.I. for further 6 (six) months and the

appellant has been further convicted under section 3(3) of passport (Entry into India) Act, 1920 and sentenced her to suffer simple imprisonment for 2 (two) years and to pay a fine of Rs. 10,000/-(ten thousand) for the same offence, in default to pay fine, to suffer S.I. for further 6 (six) months.

[2] By filing the present appeal, the appellant has sought for the following reliefs:

> "i) Admit this appeal,
>
> ii) Call for the record,
>
> iii) Issue notice upon the respondent, and
>
> iv) After hearing the parties be pleased enough to set aside the impugned Judgment of conviction and sentence dated 04-06-2025 passed by ****** Ld. Sessions Judge, Dhalai District, Ambassa in case No. S.T(Type-II) 04 of 2025 whereby and where under the appellant has been convicted U/S 336 (3) of BNS, 2023 and sentenced her to suffer R.I. for 5 (five) years and to pay a fine of Rs. 10,000/-(ten thousand) for the same offence, in default to pay fine, she shall suffer S.I. for further 6 (six) months and the appellant has been further convicted under section 3(3) of passport (Entry into India) Act, 1920 and sentenced her to suffer R.I. for 2 (two) years and to pay a fine of Rs. 10,000/-(ten thousand) for the same offence, in default to pay fine, she shall suffer S.I. for further 6 (six) months……..……"

[3] Today, when the case is called, Mr. Raju Datta, learned P.P. has placed before this Court a letter dated 08.01.2026 issued by the Under Secretary, Government of Tripura, Home Department addressed to learned Addl. P.P., High Court of Tripura informing that the department does not have any objection if this Court directs to push back the appellant to her own country i.e. Bangladesh instead of keeping her in jail to serve imprisonment in compliance of judgment dated 04.06.2025 of the Court of learned Sessions Judge, Dhalai District, Ambassa in case No. ST (T-II) 04 of 2025. The said letter be kept on record.

[4] The relevant contents of the said letter dated 08.01.2026 issued by the Under Secretary, Government of Tripura, Home Department, are reproduced as under:

> *"……I am directed to refer to your case file bearing No.28 of 2025 in connection with the Crl. Appeal (1) No.87 of 2025 (Sharmin Aktar -Vs- the State of Tripura) and Crl. Appeal (J) No.86 of 2025 (Sriti Khatun -Vs- the*

> *State of Tripura) and to inform you that the department does not have any objection if the Hon'ble Court directs to push back the convict persons to their own country i.e. Bangladesh Instead of keeping them in jail to serve imprisonment in compliance of judgment dated 04.06.2025 of the Ld. Court of Sessions Judge, Dhalal District, Ambassa in case No.ST(T-II) 04 of 2025 (The State of Tripura -Vs- Sriti Khatum & Anr.)…."*

[5] Upon hearing the submissions made at the Bar and on perusal of record, this Court is of the opinion that since the appellant is a female person and in the absence of the appellant her family in the abroad will also suffer, a lenient/humanitarian view may be taken observing that this is her first offence. Thus, this Court is of the considered view that the punishment imposed by the order of conviction and sentence dated 04-06-2025 passed by learned Sessions Judge, Dhalai District, Ambassa in case No. S.T(Type-II) 04 of 2025, should be modified to the extent the appellant herein has undergone in custody from the date of her arrest to till date and accordingly, the same is ordered. All necessary steps be taken by the State respondent to push-back the appellant as per procedure.

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

[7] 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

Sabyasachi G.
SABYASACHI GHOSH
Digitally signed by SABYASACHI GHOSH
Date: 2026.05.15 16:32:54 +05'30'