

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. A(J) 5/2026

1. Rashel Miah, son of Md. Kitab Ali, permanent resident of Suhelpur, P.S. Sri Mangal, District- Moulavi Bazar, Bangladesh;

2. Suhag Miah, son of late Suhel Miah, permanent resident of Kakabola, District- Moulavi Bazar, Bangladesh;

3. Aman Uddin, son of late Arjan Uddin, permanent resident of Kakabola, District- Moulavi Bazar, Bangladesh;

All of them are presently undergoing imprisonment at Udaipur District Jail, Gomati, Tripura.

----Convict-Appellants

Versus

The State of Tripura, to be represented by Ld. Public Prosecutor,
The Hon'ble High Court of Tripura, Agartala

----Respondent

For the Appellant(s) : Mr. D. Paul, Legal Aid Counsel

For the Respondent(s) : Mr. R. Saha, Addl. PP

Date of hearing & delivery
of Judgment & Order : **09.02.2026**

Whether fit for reporting : **No**

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
JUDGMENT & ORDER(ORAL)**

Heard Mr. D.Paul, learned Legal Aid Counsel appearing for the appellant also heard Mr. R. Saha, learned Additional Public Prosecutor, appearing for the respondent-State of Tripura.

2. The appellants, by means of filing the present appeal has challenged the Order of conviction and sentence dated 25.07.2025 passed by the learned Sessions Judge, Gomati District, Udaipur, in connection with case No. Sessions Trial (T-II) 12 of 2025, wherein the appellants were convicted for commission of offence punishable under Rule 6(a) read with Rule 3(a) of Passport (Entry into India) Rules, 1950 and Section 3 of Passport (Entry into India) Act, 1920, and were sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.5,000/- each with default stipulation; further the

appellants were convicted under Section 14A(a)(b) of the Foreigners Act, 1946, and were sentenced to suffer rigorous imprisonment for a period of two years and to pay a fine of Rs. 10,000/- each, with default stipulation.

3. Facts leading to the present appeal is that, on 24.03.2025 at night at about 2230 hours, while the complainant was on duty alongwith staffs at Udaipur Jayanti Bazaar area, he received a secret information that some Bangladeshi nationals were residing near Jayanti Bazar Mosque, and on receiving the information, the complainant alongwith staffs rushed to the spot to take action as per law, and on arrival, they noticed the appellants to roam near Jayanti Bazaar Market and subsequently they were detained and on preliminary inquiry they disclosed their identity and stated that they were involved in fish business. Thereafter, the appellants were brought to RK Pur police station under arrest vide RK Pur PS GDE No. 02, dated 25.03.2025, and on interrogation the appellants stated that prior to 10-12 days they have purportedly entered into Indian territory illegally through Boxanagar-Kamalasagar border without any passport or valid documents with the help of unknown tout. Thereafter the complainant lodged a written complaint with the Officer-in-Charge of RK Pur PS which was registered as RK Pur PS case No. 2025 RKP 047, under sections 143(3) BNS, 2023, and section 3 of the Passport (Entry into India) Amendment Act, 2000 and Section 14A of the Foreigners Act, 1946.

4. After completion of investigation, the I.O has submitted charge-sheet against the appellants under Section 3 of the Passport (Entry into India) Amendment Act, 2000 and Section 14A of Foreigners Act, 1946. On receipt of the charge-sheet, learned trial Court framed charge against the appellants under Rule 6(a) read with Rule 3(a) of Passport (Entry into India) Rules, 1950

and also under Section 14A(a) (b) of Foreigners Act, 1946, to which the appellants pleaded guilty and declined to stand trial. Since, the appellants have pleaded their guilt, learned trial Court finding them guilty of the alleged offence, convicted the appellants, as stated *supra*.

5. Mr. Paul, learned Legal Aid Counsel appearing for the appellants in all fairness has submitted that the appellants are languishing in custody since their arrest, and urged this Court to apply 'push-back' policy upon the appellants and deport them to Bangladesh maintaining all legal procedure.

6. On the other hand Mr. R. Saha, learned Additional PP appearing for the State-respondent has submitted that on the issue of 'push-back' policy, the State Government has not taken any decision, and in term of order dated 05.02.2026, passed by this Court, learned Additional PP has placed on record a communication under No. 210-11/R-26/PHQ/LC/2026, dated 08.02.2026, issued by the Department of Home, Government of Tripura. Learned Additional PP has further submitted that he has no objection if the appellants are pushed back to Bangladesh following all legal procedure.

7. This Court has considered the submissions of learned counsel appearing for the parties, and has perused the records alongwith the communication dated 08.02.2026.

8. From the communication dated 08.02.2026i, it is revealed that the State Government has no specific Rules/Provisions regarding 'push-back' policy of the Bangladeshi national. However, from the said communication , it is manifestly clear the State Government has no objection if any order to push back the convicted persons i.e. the appellants herein, to their own country Bangladesh, is passed by this Court.

9. In view of the aforesaid, this court is inclined to apply the policy of 'push-back' with regard to the appellants. Accordingly, the learned trial Court is directed to take all effective measures to push-back the appellants to Bangladesh maintaining precaution and all legal procedures in consonance with the Communication dated 08.02.2026 issued by the Department of Home, Government of Tripura.

10. It is seen from the record that the appellants are in custody since the date of their arrest for their illegal immigration into Indian Territory. Consequently, the period of sentence, as imposed by the learned trial Court vide Order dated 25.07.2025, is hereby set-off against the period they have already suffered. In that view of the matter, the appellants shall be pushed back to Bangladesh immediately following all legal procedure. As regards return of the seized articles, it is ordered that the seized articles be returned to the appellants as per the seizure list and the learned trial Court shall take all endeavour in this regard.

11. Resultantly, the order dated 25.07.2025 passed in Sessions Trial (T-II) 12 of 2025 by the learned Sessions Judge, Gomati, Udaipur, is modified to the extent as indicated above.

12. With the above observations and directions, the instant appeal stands disposed. Pending application(s), if any, also stands disposed.

Send down the LCRs.

JUDGE

SAIKAT KAR Digitally signed by
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