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CRL A No. 1567 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1567 of 2025

Miah Mamun

... Appellant

Vs.

The Inspector of Police,
S-2, Airport PS,
Chennai Airport.

... Respondent

Prayer: Criminal Appeal filed under Section 415 of BNSS, to set aside the conviction in S.C.No.154 of 2022 on the file of the learned Additional District Judge, Chengalpattu, as per the order dated 24.09.2025, acquit the appellant.

For Appellant(s): Mr.V.Krishnamoorthy

For Respondent(s): Mr.S.Rajakumar

Additional Public Prosecutor

Judgment

This Criminal Appeal has been filed by the accused, challenging the judgment dated 24.09.2025 in SC.No.154 of 2022 on the file of the



learned Additional District Judge, Chengalpattu, by which he was convicted for the offence under Section 419, 420, 465 and 468 r/w 471 of the IPC and sentenced as follows:

Offence under Section	Sentence imposed
419 IPC	To undergo RI for two years and to pay a fine of Rs.1,000/- in default to undergo SI for two months.
420 IPC	To undergo RI for three years and to pay a fine of Rs.1,000/- in default to undergo SI for two months.
465 IPC	To undergo RI for one year and to pay a fine of Rs.1,000/-, in default to undergo SI for two months.
468 r/w 471 IPC	To undergo RI for three years and to pay a fine of Rs.1,000/- in default to undergo SI for two months.
The sentences were ordered to run concurrently.	

2.(i) The case of the prosecution is that the first accused brought the appellant/A2 and two minor victims, who were aged 17 years from Myanmar; that two victims were brought by using forged passports; that the first victim was shown as the wife of the first accused and the second victim was shown as the wife of the appellant; that two forged marriage certificates were produced at the immigration; that the first accused brought those girls with intent to indulge them in prostitution; that the appellant was brought to secure a job for him in Malaysia and hence, the first accused committed the offences under Sections 370(ii),(iii),(iv), 419,



420, 465 and 468 r/w 471 of the IPC and the appellant committed the offences under Sections 419, 465 and 468 r/w 471 of the IPC.

(ii) On the complaint [Ex.P1] given by the Immigration Officer [PW1], an FIR [Ex.P36] was registered by the Sub-Inspector of Police [PW13]. Thereafter, the Inspector of Police [PW14] took up the investigation and after examining the witnesses filed the final report against the accused for the offences under Sections 419, 420, 465, 468, 471, 370(2), 370(3) and 370(4) of the IPC, before the learned Judicial Magistrate No.1, Alandur, which was taken on file as PRC No.27 of 2022.

(iii) On the appearance of the accused, the provisions of Section 207 Cr.P.C., were complied with, committed to the Court of Sessions i.e., Principal Sessions Court, Chengalpattu and was made over to the learned Additional District Judge, Chengalpattu, for trial, which was taken on file as S.C.No.154 of 2022. The trial Court had framed charges under Sections 370(ii),(iii),(iv), 419, 420, 465 and 468 r/w 471 of the IPC against the first accused and under Sections 419, 465 and 468 r/w 471 of



the IPC against the appellant/A2 and when questioned, the accused pleaded 'not guilty'.

(iv) Before the trial Court, the prosecution had examined 14 witnesses as P.W.1 to P.W.14 and marked 44 exhibits as Ex.P1 to Ex.P44, besides four material objects, i.e., M.O.1 to M.O.4. When the accused were questioned, u/s.313 Cr.P.C., on the incriminating circumstances appearing against them, they denied the same. The accused neither examined any witness nor marked any document on their side.

(v) On appreciation of oral and documentary evidence, the trial Court acquitted the first accused for the offence under Sections 370(ii), (iii) and (iv) of the IPC and found both the accused guilty for the offence under Sections 419, 420, 465 and 468 r/w 471 of the IPC and convicted both the accused. The appellant/A2 was sentenced as stated in paragraph No.1 of this judgment. Aggrieved by the said conviction and sentence, the accused/A2 had preferred the instant appeal.



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3. The learned counsel for the appellant would submit that admittedly the appellant had no connection with the first accused; that he was introduced to first accused by an agent in Bangladesh; that the only allegation against the appellant is that he had produced a marriage certificate [Ex.P7] which was forged; that the prosecution had not established that the said marriage certificate is forged as the investigating officer had admitted in his cross examination that the marriage certificate [Nikkanama] was sent to Bangladesh and the respondent had not received any information from the Bangladesh authorities as regards the genuineness of the said certificate; that in the absence of the same and since the two victims have not been examined by the prosecution, the alleged offence under Sections 419, 420, 465 or 468 r/w 471 of the IPC, cannot be sustained.

4. The learned Additional Public Prosecutor *per contra* submitted that inspite of best efforts, the respondent have not received any reply from the Bangladesh authorities; that the statements recorded by the victims would show that the victims were not the wives of the appellant



and the first accused; and that the non examination of the two victim girls is not fatal to the prosecution and therefore, there is no infirmity in the impugned judgment.

5 (i). As stated above, the prosecution had examined 14 witnesses. PW1 is the complainant and the Immigration Officer at Chennai International Airport. PW1 would state that he had intercepted the appellant along with the first accused and the victim girls and he had recorded the statement of the victim girls and that of the appellant; that the appellant had confessed that he had produced a false certificate that one of the victim was his wife.

(ii). PW2 was the policeman on deputation at the Airport and he would speak about the fact that the victims had a false passport and the appellant had stated that he is the husband of one of the victims. PW3 is the Immigration officer at the Airport and would speak about the two passengers one male and one female, who had come to the immigration counter for clearance and he had marked the original passport of the first accused and the xerox copy of the passport of one of the victims. PW4 is



the CISF Head Constable, who had signed in the observation mahazar [Ex.P27] and on the instructions given by the Immigration Officer had detained the first accused, appellant and the two victim girls at the Airport.

(iii) PW5, is the Security Guard in Bureau of Immigration, Chennai International Airport, who had translated the statement made by the appellant and the co-accused and after that the statement was recorded in English by PW1. PW6 is the witness to the confession of the appellant before the police and had marked his signature in the confession of the appellant and that of the witnesses [Ex.P28 and Ex.P29]. PW7 is another witness to the confession and marked his signature [Ex.P30 and Ex.P31.

(iv) PW8, is the sweeper at Airport and she is also an observation mahazar witness, who turned hostile. PW9 is the Immigration Officer, Bureau of Immigration, Chennai International Airport and he would state that he had translated the statement made by the accused to the Immigration Officer [PW1]. PW10 is the CISF personal working at Airport at the relevant point of time and taken the footages from the



CCTV Camera at the Airport and marked the same as Ex.P33. PW11 is the Station Officer at Cheanni Srilangan Airport, who had marked the manifest of passengers who were travelling from Chennai to Columbu on 23.07.2019. It is seen that the appellant's name is not found in the said manifest. PW12 is the Sub Inspector of Police, who initially gave the CSR. PW13 is the Sub Inspector of Police, who registered the FIR in Cr.No.79 of 2019, commenced the investigation and handed over the investigation to PW14. PW14, is the investigating officer, who concluded the investigation and filed the final report.

6. From the evidence on record, it is seen that the allegation against the appellant is that he had travelled along with the first accused, who had promised him a job in Malaysia; and that the first accused had also asked the appellant to produce a forged marriage certificate showing one of the victims who travelled with him as his wife and accordingly the appellant had produced the said marriage certificate. The prosecution relies upon the evidence of PW1 and PW2 for the said purpose.



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7. PW1 would also state that a statement was recorded from the appellant which was marked as Ex.P22. However, it is seen from the cross-examination of PW1 that there is no endorsement to show that the statement recorded in English was translated to the appellant. The said statement has not been counter signed by PW1 to show that PW1 had recorded the said statement. There is no endorsement as to who translated the contents to the appellant, who admittedly was not acquainted with the English language. In fact the appellant had only fixed his thumb impression and signed in the statement.

8. PW2 would state that the appellant informed that one of the victim is his wife. There is no evidence adduced on the side of the prosecution to show that two victims were not the wives of either the first accused or this appellant. The statement of the victims recorded by PW1, which are marked as Ex.P23 and Ex.P24 would be of no avail to the prosecution, since those victims were not examined during trial.



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9. The investigating officer [PW14] had admitted in the cross-examination that the investigation was not able to obtain any document from the Bangladeshi authorities to show that the two marriage certificates were forged. The relevant portion of PW14's evidence reads as follows:

“2ம் எதிரி மியான்மாழன் பெயரில் இதச பிரிவுகள் 419, 465, 468, உ/இ 471 ஆகிய சட்டப்பிரிவுகள் வணையப்பட்டுள்ளன, அதில் 419 ஆன்மாறாட்டம் என்பது அவர்கள் கொடுத்த நிக்காநாமாவை பொறுத்துதான் உள்ளது என்றால் சரிதான். மேற்படி நிக்காநாமாவை பரிசோதனைக்கு அனுப்பி அதன் உண்மைதன்மையை அறிந்தேனா என்றால் அவ்வாறு அனுப்பப்பட்டு, அது சம்பந்தமான அறிக்கை எதுவும் வரவில்லை, ஆதனால் தாக்கல் செய்யவில்லை. இதச பிரிவுகள் 465, 468, உ/இ 471 பிரிவுகளும் நிக்காநாமாவை மட்டும்தான் சம்பந்தப்படுத்தியவை என்றால் சரிதான். நிக்காநாமாவை ஒட்டி போடப்பட்ட இதச பிரிவுகள் 419, 465, 468, உ/இ 471 நிக்காநாமா ஒரு பொய்யான ஆவணம் என்று நிரூபிக்கப்படும் வரை மேற்படி பிரிவுகள் நிலைக்கத்தக்கதல்ல என்று சொன்னால் சரிதான்.”

10. The above admission of PW14 clinches the issue. In the absence of any evidence to show that one of the victims was not the wife of the appellant and in the absence of evidence to show that the appellant



had produced a forged marriage certificate, the offence under Sections 419, 420, 465 and 468 r/w 471 of the IPC, would not be made out. It is also seen that admittedly, the appellant had a valid passport to travel. In view of the aforesaid facts and circumstances, this Court is of the view that the impugned judgment cannot be sustained and hence, liable to be set aside.

11. Accordingly, the Criminal Appeal is allowed. The judgment of conviction and sentence imposed upon the appellant vide judgment dated 24.09.2025 in SC.No.154 of 2022 on the file of the learned Additional District Judge, Chengalpattu, is set aside. The appellant is acquitted of all the charges and is directed to be released from the judicial custody. The fine amount, if any, paid by the appellant shall be refunded. The bail bond, if any, executed shall stand discharged.

12. Since the appellant is a Bangladeshi national, on his release, he shall be detained in a camp meant for such purpose and after compliance with the relevant provisions, the authorities concerned may take expeditious steps to deport him to Bangladesh and in any event, the said



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process shall be completed within a period of three months from the date of receipt of a copy of this Judgment.

17-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Additional District Judge,
Chengalpattu.

2. The Inspector of Police,
S-2, Airport PS,
Chennai Airport.

3. The Public Prosecutor,
High Court, Madras.

4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.



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SUNDER MOHAN J.

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