

05.12.2022
S/L No.16
KS

C.R.A.(SB) 147 of 2022
Sabuj Gazi
-Vs.-
The State of West Bengal

Mr. Uday Sankar Chattopadhyay
Mr. Sumar Sankar Chattopadhyay
Mr. Santanu Maji
Ms. Snigdha Saha

..... For the Appellant

Mr. Saswatagopal Mukherjee, Ld. P.P.
Mr. Saryati Datta

.....For the State

Learned advocate appearing for the appellant has restricted his submissions only on the point of sentence. Learned Trial Court being the Learned Additional District and Sessions Judge in Sessions Trial No.3(12) of 2021 arising out of Sessions Case No.101/2021 by judgment and order dated 04.07.2022 and 19.07.2022 convicted the appellant namely, Sabuj Gazi for the offence under Section 14A(b) of the Foreigners Amendment Act, 2004. Learned Trial Court thereafter sentenced the appellant to suffer R.I. for four years and also to pay fine of Rs.20,000/-, I.D. to suffer R.I. for six months for commission of the said offence.

Mr. Chatterjee, learned advocate appearing for the appellant submits that the appellant is in custody since 12th December, 2020, he was a student who came for medical treatment and was not aware regarding the legal procedures and was intercepted by the police authorities at Eco Park Police Station. Additionally, it has been submitted that there are no

criminal antecedents of the present appellant either in India or at Bangladesh.

Learned advocate admits that the appellant happens to be a Bangladesh National and intends to return to his mother country.

Mr. Datta, learned advocate appears for the State and submits that the merits of the appeal do not call for any interference and so far as the sentence is concerned, leaves the same for consideration of this Court. The sentence which has been prescribed for commission of offence under Section 14A(b) is for punishment with imprisonment for a term which “shall not be less than two years but may extend to eight yearsliable to fine”.

I have considered the age of the present appellant which is reflected to be just more than 21 years and the fact that the appellant did not commit any offence while he was present in India.

Having regard to the same, I reduce the sentence of imprisonment from period of four years to that of two years. The appellant after serving out sentence of two years would deposit the fine and, thereafter, steps should be taken by the authority for sending him back to his mother country.

With the aforesaid observations, C.R.A.(SB) 147 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

Department is directed to send back the Lower Court Records to the respective Court below.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)