

21st June,
2023
(AK)
13

W.P.A 13995 of 2023

Bellal Gazi
Vs.
The Union of India and others

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Ms. Rajashree Tah
Ms. Trisha Rakshit

...for the petitioner.

Despite service, none appears for the respondents.

Affidavit-of-service filed in court today be kept on record.

The petitioner is admittedly a Bangladeshi citizen and pleaded guilty when convicted under the Foreigner's Act, 1946.

The arrest of the petitioner took place on August 28, 2020 and thereafter, till date, the petitioner never got bail and has all along been in custody.

The petitioner was convicted on December 2, 2022 and was sentenced to undergo simple imprisonment for two years with fine of Rs.10,000/-, in default, to suffer simple imprisonment for further two months.

It is submitted by learned counsel and is evident from the records that the petitioner has already spent

more than the sentence period behind the bars and has also deposited the fine of Rs.10,000/-.

The receipt in that regard has also been annexed to the writ petition.

In such view of the matter, there is no necessity of further detaining the petitioner in a foreign country.

Accordingly, WPA 13995 of 2023 is allowed, thereby directing the respondent authorities to ensure that the petitioner is deported to Bangladesh forthwith in accordance with law.

All necessary proceedings in that regard shall be completed as expeditiously as possible, positively within two months from the date of communication of this order by the petitioner to the respondents.

The parties shall act on a server copy of this order without insisting upon prior production of a certified copy, for the purpose of implementation.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)