

14.06.2023

Ct.No. 1
Item No. 4
Sb / Saswata
DO

***CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI***

C.R.M. (DB) 314 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Tufanganj PS case no. 256/2020 dated 08.07.2020 under Sections 379/411 of the Indian Penal Code, 1860 read with Sections 14A/14C of the Foreigners Act.

And

In the matter of : **Md. Maijuddin**

...petitioner

Mr. Kallol Ghosh
Mr. Rajkumar Gupta
Mr. Bhanu Singha Sarkar
Mr. Kishan Sah
Mr. Utpal Dutta
Mr. Rakesh Gupta

...For the petitioner

Mr. Niloy Chakraborty
Mr. Biswarup Roy

...For the State

1. We have heard the learned Counsel for the parties.
2. The learned Counsel for the parties submits that the petitioner has already suffered imprisonment for two years and the default sentence of two months for non-payment of the fine and he has also pleaded guilty in respect of the other charge which, however, has been incorrectly recorded in the impugned judgment has pleaded "not guilty".
3. In view of the fact that the petitioner has categorically stated in the petition that he has pleaded guilty for the

other offence, we are of the view that there may not be any necessity to have a separate trial on the said issue.

4. The Learned Trial Judge shall hear out the petitioner on the other issue and in the event, the petitioner pleads guilty in respect of the other offence, namely, the charges under Sections 379/411, having regard to the fact that he has already completed sentence for the period under the Foreigners' Act and has substantially completed the sentence for the remaining charges, the sentence suffered for the other charge may be considered to be sufficient and he may be repatriated to Bangladesh following the statutory guidelines.
5. The petitioner shall be at liberty to approach the Learned Trial Court and the Learned Trial Court shall give an opportunity to the petitioner to plead guilty in respect of the other offence and shall dispose of the matter with regard to the remaining charges within one week from the date of communication of this order.
6. CRM (DB) 314 of 2023 is **disposed** of.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)

