

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

CRA (SB) 29 of 2024

Nayon Karmakar @ Nayan Karmakar
Versus
The State of West Bengal

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Mr. Santanu Maji
Ms. Trisha Rakshit
Mr. Aishwarya Datta
... For the petitioner

Mr. Rana Mukherjee, Ld. APP
Mr. Anand Keshari
... For the State

1. This appeal has been preferred against the judgment and order of sentence passed on 11th December, 2023 by the learned Additional Sessions Judge, Fast Track Court-I, Basirhat, North 24-Parganas in Sessions Case No.422 of 2022/Sessions Trial No.10(12) of 2023 in connection with Swarupnagar Police Station Case No.632 of 2022 dated 19th June, 2022 under Section 14A(b) of the Foreigners Act, 1946 read with Section 12 of the Passport Act, 1967.

2. Mr. Uday Sankar Chattopadhyay, learned advocate, appearing on behalf of the appellant, has submitted that the appellant pleaded guilty of committing offence alleged in this case. Accordingly, learned Judge found him guilty and passed order of sentence punishable under Section 14A(b) of the Foreigners Act, 1946 read with Section 12 of the Passport Act, 1967 for which he was convicted under Section 229 of the Code of Criminal Procedure. The convict/appellant was

sentenced to suffer simple imprisonment for two years and six months along with fine of Rs.20,000/-, in default of payment of fine, he has to suffer further simple imprisonment for six months for the offence punishable under Section 14A(b) of the Foreigners Act. He was further sentenced to pay a fine of Rs.5,000/-, in default to suffer simple imprisonment for a period of three months for the offence punishable under Section 12 of the Passport Act. It is further submitted on behalf of the appellant/convict that the period of sentence could have been considered in terms of plea of guilty.

3. In opposition to that, Mr. Anand Keshari, learned advocate, on behalf of the State has submitted that there is nothing on the ground mentioned in this appeal with regard to the illegality of the sentence within the meaning of Section 375(b) of the Code of Criminal Procedure.

4. It appears that the appellant/convict was produced on judicial custody on 11th December, 2023 and pleaded guilty of committing offence punishable under Section 14A(b) of the Foreigners Act read with Section 12 of the Passport Act at the time of consideration of charge. The learned Judge recorded his order after accepting the plea of guilty.

5. Considering all facts and circumstances appearing from the record, I find it proper to reduce the sentence from the period of two years six months to two years and also to pay fine of Rs.10,000/- instead of Rs.20,000/- for the offence punishable under Section 14A(b) of the Foreigners Act and also to pay fine of Rs.2,000/- instead of Rs.5,000/- for the offence punishable under Section 12 of the Passport Act.

6. After serving the remaining sentence and after payment of fine, if not already paid, the appellant/convict shall be repatriated to his own country immediately thereafter, not beyond 15 days.
7. In the premise set forth above, the instant criminal appeal stands disposed of.
8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.
9. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)