

10.05.2024.
76.
Ct. No.
237
Bd.

C.R.A.(SB) 37 of 2024

Md. Bilal Molla
-vs-
The State of West Bengal

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Mr. Poulami Bose ... for the Appellant.

Mr. Debasish Roy
Mr. Anand Keshri ... for the State

Learned counsels appearing on behalf of the appellant
as well as the State are present.

The appeal has been filed assailing the order of sentence passed on 18th November, 2023 by the learned Additional Sessions Judge, 16th Court at Alipore in connection with the Sessions Trial No. 07 of 2024 corresponding to Sessions Case No. 39(06) of 2022 wherein the learned Judge took up the case for consideration of charge of the appellant Md. Bilal Molla pleaded guilty and learned Judge also found him guilty for the offence punishable under Section 14 of Foreigners Act and convicted in terms of Section 229 of the Code of Criminal Procedure (hereinafter referred to as the "CRPC"). The convict is sentenced to suffer simple imprisonment for a term of four

years and after conclusion of sentence convict was directed to be repatriated to his native country i.e., Bangladesh.

Learned Counsel appearing on behalf of the appellant has submitted that convict was pleaded guilty and consideration of charge and punishment was imposed for a term of four years which is harsh. It is further submitted on behalf of the appellant that the period of detention already undergone by the appellant may be considered in view of the guilty pleaded by the appellant.

Learned counsel appearing on behalf of the State has left the matter to the discretion of the Court regarding modification of sentence.

Punishment for the offence under section 14 of Foreigners Act has been prescribed imprisonment for a term of five years and also liable to pay fine.

Considering the facts and circumstances of the case as well as submission advanced on behalf of the appellant I am of the opinion that the sentence imposed by the learned Judge should be modified as follows:

The sentence of imprisonment for a term of four years be reduced to the period of detention already undergone by the appellant and is also sentenced to pay a fine of Rs. 2,000/- (Two Thousand Only) in default to suffer further simple imprisonment for 20 days.

The concerned authority shall repatriate the convict to his native place, i.e., Bangladesh immediately after the fine is deposited or in default of fine after completion of simple imprisonment of 20 days.

With the aforesaid direction, the appeal stands disposed of.

Both sides will act on a server copy of this order downloaded from the official website of this Court.

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

(Bibhas Ranjan De, J.)