

D/L10
24.06.2024
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C.R.A.(S.B.) 44 of 2024
Md. Foysal
Versus
State of West Bengal

Mr. Sumanta Chakraborty.
...for the appellant.
Mr. Arindam Sen
Mr. Arif Ekbal Molla.
...for the State.

Appellant has challenged the order dated 11.12.2023 passed by the learned Additional District and Sessions Judge, Fast Track Court No.1, Basirhat, North 24 Parganas wherein the appellant, namely, Md. Foysal pleaded guilty and consequently he was held guilty for the offence punishable under Section 14A(b) of the Foreigners Act, 1946 and Section 12 of the Passports Act, 1967. After holding the appellant guilty for the aforesaid offence, the learned trial court sentenced the appellant for a term of two years six months and imposed a fine of Rs.20,000/- i.d. S.I. for a term of six months for offences punishable under Section 14A(b) of the Foreigners Act and also imposed sentence of fine of Rs.5,000/- i.d. S.I. for three months for commission of offences punishable under Section 12 of the Passports Act, 1967. It was directed that both the sentences should run concurrently.

Ordinarily, an appeal do not lie against an order pleading guilty. However, having considered the plight of the appellant, I treat this as an application under Section 482 of the Code of Criminal Procedure and direct that as the appellant has already pleaded guilty and has on oath stated that the address stated in the charge-sheet of Bangladesh as his permanent address, I direct that

the sentence so imposed under Section 14 A(b) of the Foreigners Act be reduced to two years and the fine amount be reduced to Rs.10,000/- with the default sentence remaining unaltered. So far as the sentence which has been imposed under the Passports Act, the same would remain unaltered. In case, the appellant has already undergone the sentence as has been imposed, steps be taken by the State as well as Ministry of External Affairs, Government of India to repatriate the appellant, namely, Md. Foysal by complying with the necessary formalities at the earliest preferably within a period of three months from date.

With the aforesaid observations, CRA (SB) 44 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

Liberty is given to the parties to inform the aforesaid order to the Ministry of External Affairs, Government of India.

Learned Registrar General, High Court, Calcutta as well as the State will inform the order to the concerned authorities for taking immediate steps.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)

