

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION**

Present:

The Hon'ble Justice Tirthankar Ghosh

C.R.A. (SB) 63 of 2024

***Raidulla Raju Gazi
versus
The State of West Bengal***

For the Appellant : Mr. Uday Sankar Chattopadhyay,
Ms. Snigdha Saha.

For the State : Mr. Sandip Chakraborty,
Mr. Arup Sarkar.

Heard On : 21.06.2024 & 19.07.2024.

Judgement On : 19-07-2024.

Tirthankar Ghosh, J. :

The present appeal has been preferred against the judgement and order of sentence dated 09.01.2024 passed by learned Additional District and Sessions Judge, Fast Track Court-I, Basirhat, North 24-Parganas in Sessions Case No. 256 of 2022 (Sessions Trial No. 08(01) of 2024) wherein the learned trial court was pleased to hold the appellant guilty

and convicted him for offences under Section 14A(b) of the Foreigners Act, 1946 and Section 12 of the Passports Act, 1967.

The genesis of the case relates to G.R. Case No. 1904/2022 arising out of Basirhat Police Station Case No. 292/2022 dated 10.05.2022 under Section 14A(b) of the Foreigners Act, 1946 and Section 12 of the Passports Act, 1967.

Records reflect that the appellant pleaded guilty before the learned trial court and consequently the learned trial court was pleased to impose the aforesaid sentence under the relevant provisions of the Act. Although I am of the view that once the appellant pleads guilty, the maintainability of the appeal is questionable, but having regard to the plight of the present appellant who is a foreign national, I am inclined to exercise my powers under Section 482 of the Code of Criminal Procedure.

Accordingly, I direct the sentence so imposed by the learned trial court be reduced as follows :

- i) For the offence under Section 14A(b) of the Foreigners Act, 1946 – Simple Imprisonment for two years and fine of Rs.10,000/-.
- ii) For the offence under Section 12 of the Passports Act, 1967 – Simple Imprisonment for three months.

Both the sentences would run concurrently.

In case the appellant has served out the sentence, within three months, the Ministry of External Affairs, Government of India would take steps to send back the appellant to the country he belongs.

Immediate steps to the said effect be taken by the jail authorities thereby communicating the gist of this order to the Ministry of External Affairs, Government of India.

With the aforesaid observations, the appeal being CRA (SB) 63 of 2024 is partly allowed.

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

Department is directed to communicate this order to the learned trial court.

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

Urgent photostat certified copy of this judgement, if applied for, be given to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

dc.