

D/L15  
26.06.2024  
Bpg.

C.R.A.(S.B.) 83 of 2024

Suja Mia  
Versus  
The State of West Bengal

Mr. Uday Sankar Chattopadhyay  
Ms. Rajashree Tah  
Ms. Trisha Rakshit.  
...for the appellant.

Mr. Rana Mukherjee.  
...for the State.

At the time of admission of the appeal by the order dated 01.05.2024 a coordinate Bench of this Court was pleased to dispense with the preparation of the paper book.

The subject matter of the appeal relates to Section 14A(b) of the Foreigners Act, 1946 and Section 12 of the Passports Act, 1967. The order dated 13.12.2023 reflects that the appellant pleaded guilty and, as such, the learned trial court was pleased to pass the following order of conviction and sentence:

“The convict are punished with simple imprisonment for a term of a term two (02) years and six (06) months each and also with fine of Rs.20,000/- (Rupees twenty thousand only) each in default of payment of said fine to suffer simple imprisonment for a term of six (06) months for the offence punishable under Section 14-A-b of the Foreigners Act, 1946 and they are further punished with fine of Rs.5,000/- (Rupees five thousand only) each in default of payment of said fine to suffer simple imprisonment for a term of three (03) months each for the offence punishable under section 12 of the Passports Act, 1967.

The punishment shall run concurrently.”

Having considered that the appellant has pleaded guilty, I am of the view that the maintainability of the appeal itself is questionable. However, having regard to the provisions of Section 482 of the Code of Criminal Procedure, I direct that the sentence so imposed be reduced to the minimum sentence so enacted under the Foreigners Act, 1946 under Section 14 A(b) of the Foreigners Act.

Accordingly, the sentence is modified to the extent that the appellant would serve out the imprisonment for a term of two years and pay a fine of Rs.10,000/-, in default to suffer simple imprisonment of three months. There will be no alternation in the imposition of fine and sentence so directed under Section 12 of the Passports Act, 1967 which would be in consonance with the direction passed by the learned Magistrate/trial court. Immediately on completion of the period of sentence the appellant having admitted to be a foreign national would be sent back to his own country by following the due process of law. The Ministry of External Affairs, Government of India, is directed to take steps so that within three months of completion of sentence, the appellant is sent back to his own nation.

With the aforesaid directions, CRA(SB) 83 of 2024 is disposed of.

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

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.)**