

06.11.2024

Sl. No.: 16

Court No.30

Aloke

CRR 4278 of 2022

Umme Godhuli @ Umma Godhuli

Vs

The State of West Bengal & Anr.

Mr. Niladri Sekhar Ghosh
Mr. Sourav Mondal
Ms. Sompurna Chatterjee

... for the petitioner

Mr. Suman De

... for the opposite party

1. The present revisional application has been preferred praying for quashing of the proceedings being G.R. Case No. 1950 of 2022 arising out of Petrapole P.S. Case No. 172 of 2022 dated 14.06.2022 under Sections 417/419/465/467/468/471 of the Indian Penal Code and Section 14 of the Foreigners Act, pending before the learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas.
2. It appears from the record that when the petitioner approached for immigration checking at ICP Haridaspur with her Indian Passport being No. T8068577, she was detained by the immigration officer, the opposite party no. 2 herein, for the reason that **she resembles one Bangladeshi National having a Bangladeshi Passport being No. BF0727676 who**

entered on 02.07.2016 and departed to Bangladesh on 30.07.2016 and she was born on 16.10.1998 at Jessore, Bangladesh. It has been alleged that the petitioner entered India via clandestine route and settled in India and has procured Indian ID's fraudulently.

3. The opposite party no. 2 thus lodged a complaint with Petrapole Police Station and handed over the detainee petitioner. Accordingly, on the basis of such information, Petrapole P.S. started a criminal case being Petrapole Station Case No. 172 of 2022 dated 14.06.2022 under Sections 417/419/465/467/468/471 of the Indian Penal Code and Section 14 of the Foreigners Act, 1946 and arrested the petitioner.
4. The petitioner's case is that she also has an Indian Passport which shows that she was born in Barasat on 16.10.1997. **Admittedly, the parents of the petitioner are Bangladeshi citizen but her case is that since generations the petitioner's family is Indian.** Her grandparents who are Indian citizens, permanently reside in the District- North 24 Parganas, West Bengal, India and also hold properties in their name and since birth the petitioner is living in India at Village and Post Office-Lakshmipul, Police Station-Habra, District-North 24-Parganas, West Bengal under the care and protection of her grandparents. As such the allegations against the petitioner to be a Bangladeshi is baseless.
5. It is further stated that the opposite party no. 2 only on the basis of assumption that she resembles a Bangladeshi who

was born in Jessore, Bangladesh having a Bangladeshi Passport being No. BF0727676 has initiated the instant case.

6. The petitioner has thus prayed for quashing of the proceeding and submits that Section 14 of the Foreigners Act 1946 does not lie against the petitioner.
7. On hearing the parties and considering the materials on record including other evidences on record, there appears to be a prima facie case against the petitioner, which is to be decided in trial.
8. **The report of the investigating officer and other materials on which the petitioner relies upon is to be looked into and considered in accordance with law by the learned Judge of the Trial Court.**
9. **The criminal revision being CRR 4278 of 2022 is accordingly disposed of.**
10. The petitioner is at liberty to approach the learned trial Court, and raise the issues involved in the present revision which the trial Court shall consider in accordance with law, without being influenced with this order. The Court shall also take into account the materials on record and the sections applicable in the present case during consideration of charge.
11. Considering the materials on record and the offences alleged and there also being a prima facie case against the petitioner, this Court is not inclined to interfere with the proceeding in this case being Petrapole P.S. Case No. 172 of 2022 at this stage, which if done shall be an abuse of the process of law.
12. Pending applications stand disposed of.

- 13.** Interim order, if any, stands vacated.
- 14.** Copy of this order be sent to the learned Trial Court for necessary compliance.
- 15.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)