

**Form No.J(1)**

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

Present:

**The Hon'ble Justice Tirthankar Ghosh**

**CRA(SB) 205 of 2023**

***Shamloy*  
versus  
The State of West Bengal**

For the Appellant : Mr. Moyukh Mukherjee,  
Mr. Abhijit Singh  
Mr. Sarthak Mondal

For the State : Mr. Debashis Roy, Id. PP  
Mr. Anand Keshari,  
Ms. Pritha Paul

For the U.O.I : Mr. Dhiraj Trivedi, Id. DSGI  
Mr. Sunil Gupta  
Ms. Supriti Sarkhel

Heard On : 20.06.2024, 26.06.2024 & 15-07-2024

Judgement On : 18.07.2024

**Tirthankar Ghosh, J. :**

The present appeal was preferred challenging the judgment and order of conviction and sentence passed by the learned Additional District and Sessions Judge, Fast Track Court-I, Basirhat, North 24 Parganas dated 19<sup>th</sup> May, 2023

and 20<sup>th</sup> May, 2023 in connection with Sessions Case No 662 of 2022 (S.T No. 25(01) of 2023).

The appellant was found guilty for commission of offence under the relevant provisions of Section 14A(b) of the Foreigners Act, 1946 and Section 12 of the Passport Act, 1967 and was consequently sentenced to suffer S. I for three years with fine of Rs.20,000/- i. d., to suffer S.I for six months for the offence under Section 14A(b) of the Foreigners Act, 1946. Additionally, the appellant was also sentenced to suffer S.I for one year with fine of Rs.5000/- i. d., to suffer S.I for a term of three months for the offence punishable under Section 12 of the Passport Act, 1967.

Learned advocate appearing for the appellant submits that the appellant has substantially served out the sentence and is eager to go back to her own nation.

Having considered that the appellant is yet to serve out the minimum sentence required under the relevant provisions of the Foreigners Act, I direct that in the present set of circumstances as the appellant is not interested in pursuing the merits of the appeal, the sentence be reduced to S.I for two years and fine of Rs.10,000/- i.d., S.I for three months for the offence under Section 14A(b) of the Foreigners Act, 1946 without altering the sentence and fine so imposed under the relevant provisions of the Passports Act.

It is further directed that immediately on completion of the sentence so directed to be served by the appellant, the Authorities will immediately communicate with the Ministry of External Affairs and/or any other competent

Authority so that he can be send back or repatriated or deported to the nation to which the appellant belongs. Unnecessary retaining the appellant in India is not warranted in view of the stance taken by the appellant before this court. All steps must be taken by the Authorities in a time bound manner so that the appellant can return to her own country.

Accordingly, the instant appeal being CRA (SB) 205 of 2023 is disposed of.

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

Department is directed to send back the lower court records along with a copy of this judgment immediately to the learned trial court.

All parties shall act on the server copy of this judgment 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]**

