

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.149 OF 2024

Sumon Salim Shikadar .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

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Mr. Satish K. Gaud, Advocate appointed for the Petitioner.

Ms M. M. Deshmukh, APP, for the Respondent – State.

Mr. Sharad Malshikare, Jailor, Taloja Central Prison, is present.

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**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATED : 27th NOVEMBER, 2024

P.C:-

1. Heard Mr. Satish Gaud, the Legal Aid Counsel appointed to espouse the cause of the petitioner.

The petitioner by addressing a communication to the Hon'ble the Chief Justice of this Court requested for reducing of his sentence, imposed upon him by the J.M.F.C., Panvel, in Case No.508 of 2023, where he was tried for an offence punishable under the Passport (Entry into India) Rules, 1950 and the Foreigners Act, 1946.

By judgment delivered in the month of August 2023 on recording a finding of conviction he has been sentenced to undergo rigorous imprisonment for one year and to pay fine of

Rs.10,000/- upon his conviction under Section 3(a), 6(a) of the Passport (Entry into India) Rules, 1950, and in default of payment of fine, he is directed to undergo simple imprisonment for a period of one month.

On being convicted under Section 14(A) of the Foreigners Act, 1946, he is sentenced with rigorous imprisonment for two years and is directed to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for one month.

2. The communication addressed to the Hon'ble The Chief Justice specifically plead that he is a resident of Bangladesh and he was not aware of the laws in this country and he is posed with a difficulty, since he has a daughter aged 4 years and even his wife is also incarcerated.

3. When we put the grievance raised in the Petition to the learned APP, Ms Deshmukh who has placed before us the chart reflecting the period of imprisonment undergone by him and also the period including a remission available to him, and according to the said chart, on undergoing the sentence imposed including the sentence in default, he is likely to be released on 25.12.2024, pursuant to which, he shall be permitted to travel to his country. As on date, he has undergone 2 years 1 month and 8 days of imprisonment including the period of remission.

By accepting the aforesaid statement made before us by the learned APP, on instructions of the Senior Jailor, we deem it appropriate to dispose off the Writ Petition.

We expect the Registry to communicate the order passed by us to the petitioner, who is presently incarcerated in Taloja Central Prison, Navi Mumbai.

This Court would like to record the appreciation of Mr. Satish Gaud for his valuable assistance rendered and the Legal Services Authority is directed to make payment of the legal remuneration due and payable to him, within a period of six weeks from today.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)