

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRR 205 of 2022

Shyamal Chandra Paul
Vs.
The State of West Bengal

Mr. Sourav Ganguly ...for the Amicus Curiae

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Aniruddha Biswas ...for the State

It is submitted that Hiralal Chandra Paul who is now detained at Berhampore Central Correctional Home was convicted by learned Additional Sessions Judge, Mekhliganj, Coochbehar in connection with SC no. 126/19, ST no. 07(01)/2020 for committing offence punishable under Section 14A of Foreigner's Act and sentenced to suffer simple imprisonment for two years and to pay fine. The learned Trial Court also directed the said authorities to push back the said inmate after completion of his sentence.

It is further submitted that the aforesaid inmate was admitted to Mekhliganj Sub Correctional Home as an Under-trial inmate on 5.11.2019 and subsequently completed his term of imprisonment on 4.1.2022. However, he could not be pushed back because he was found to be a serious patient of Schizophrenia and was under continuous medical treatment of medical board of Berhampore

Mental Hospital. He is still undergoing treatment under the supervision of Berhampore Mental Hospital.

However, in the meantime, the wife of the aforesaid inmate submitted a prayer before the authorities of Berhampore Central Correctional Home that her husband is an Indian national and requested the authorities not to push back the said inmate. She further submitted that Hiralal Chandra Pal and Shyamal Chandra Pal are same and identical person and also submitted photo identity proof. Thereafter, a verification was made and during inquiry, it was also learnt that inmate, Shyamal Chandra Pal was missing on 14.11.2019 and a diary was lodged before the Mathabhanga Police Station. However, he was earlier apprehended by the police authorities as Bangladeshi National and the case was registered against the inmate allegedly wrongly arraigned as Hiralal Chandra Pal under Section 14A of the Foreigner's Act.

It transpires from the report of Superintendent of Police (DIB), Coochbehar dated 22nd July, 2024 marked as Annexure-A/4 along with the report which discloses that during inquiry, it was learnt that said Shyamal Chandra Pal was missing from Pakhihaga, P.S. Mathabhanga, Dist. Coochbehar. In this regard, his wife Chaina Kundu Pal submitted a missing diary to the Inspector-in-charge, Mathabhanga Police Station. Subsequently, she learnt that said Shyamal Chandra Pal allegedly wrongly arraigned as Hiralal Chandra Pal was shifted to Berhampore Mental Hospital when she went to Berhampore Mental Hospital and identified the apprehended person, Hiralal Pal as her

husband, Shyamal Chandra Pal and to that extent, she was also collected a certificate from Panchayat Member, Dinhata Village-II, Coochbehar that Hiralal Chandra Pal, s/o Thakka Pal and Shyamal Chandra Pal, s/o of Late Khagendra Nath Pal is the same person.

In such view of the matter and after considering the report submitted by the Officer-in-charge of Law Cell, Directorate of Correctional Services, West Bengal dated 21.2.2025 along with annexures, it is directed that the said Hiralal Chandra Pal @ Shyamal Chandra Pal be released from Berhampore Correctional Home at once and since, it is submitted that he is still undergoing treatment so after release his custody may be handed over to China Kundu Pal, who claimed to be the wife of said Shyamal Chandra Pal @ Hiralal Chandra Pal.

CRR 205 of 2022 is accordingly disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)