



Crl.R.C.No.255 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.255 of 2023

Nandhakumar @ Deepan

.... Petitioner

Versus

The State by Inspector of Police,
Q Branch CID,
Chennai.

Crime No.5 of 2013

.... Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of Code of Criminal Procedure to set aside the judgment dated 25.11.2022 made in Crl.A.No. 22 of 2021 on the file of the XX Additional Sessions Judge, City Civil Court, Chennai, confirming the judgment dated 11.01.2021 made in C.C. No. 657 of 2015 on the file of the II Metropolitan Magistrate, Egmore, Chennai, by allowing this criminal revision petition.

For Petitioner : Mr.S.Ranjith Kumaran
for Mr.R.Rajiv Gandhi

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed as against the Judgment dated 25.11.2022 passed in Crl.A.No.22 of 2021 by the XX Additional Sessions Judge, City Civil Court, Chennai, thereby confirming



Crl.R.C.No.255 of 2023

the conviction and sentence imposed by the Trial Court in C.C.No.657 of 2015

on the file of the II Metropolitan Magistrate, Egmore, Chennai, for the offences punishable under Sections 14A(b) of Foreigners Act, 1946.

2. The case of the prosecution is that the petitioner herein is arrayed as A2. It is alleged that the petitioner, along with the other accused, conspired to cheat the victims under the pretext of sending them to Australia and received a sum of Rs.2,90,000/-. Further, it is alleged that the accused had stayed in India without valid permission and requisite documents. All the accused were charged for the offence under Section 420 r/w 120(b) of IPC and A1, A2, A5 and A7 were charged for the offence under Section 14A(b) of Foreigners Act, 1946. The case has been split up insofar as the the other accused are concerned and the Trial Court proceeded with the with a full-fledged as against the petitioner.

3. On the side of the prosecution, P.Ws.1 to 10 were examined and Exs.P1 to P15 were marked. The prosecution had also produced material objects as M.Os.1 to 7. On the side of the petitioner/appellant, D.W.1 was examined and Exs. D1 and D2 were marked.



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4. On perusal of the oral and documentary evidence, the Trial Court found the petitioner/appellant guilty of the offence under Section 14A(b) of Foreigners Act, 1946 and sentenced him to undergo simple imprisonment for a period of two years for the said offence. However, he was acquitted of the offence under Section 420 r/w. 120B of IPC. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed thereby confirming the judgment of conviction and sentence passed by the Trial Court.

5. The learned counsel appearing for the petitioner would submit that the petitioner had duly registered his stay in India with the jurisdictional police and the said Certificate of Registration was marked as Ex.D1. However, both the Trial Court and the Appellate Court, without considering the same, erroneously convicted the petitioner.

6. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that P.W.10 had categorically deposed that Ex.D1-Certificate of Registration containing the registration number assigned to the petitioner as 54/12, whereas, which is not entered in Ex.P15-the relevant register. As per Ex.P15, only 53 refugee names were registered and the last registration number was assigned to one Srilankan Refugee viz.,



Crl.R.C.No.255 of 2023

Mageswaran as 53/12. Therefore, Ex.D1 is not acceptable one and the

petitioner was rightly convicted by the Trial Court.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. It is seen that there are totally seven accused, in which, the petitioner is arrayed as A2. The case against some of the accused was split up and the trial is still pending. As far as the petitioner and other accused persons are concerned, they were subjected for trial in C.C.No.657 of 2015 on the file of the II Metropolitan Magistrate, Egmore, Chennai. The petitioner is arrayed as A2 and he was convicted and sentenced for the offence punishable under Sections 14A(b) of Foreigners Act, 1946 and acquitted of the charges under Section 420 r/w. 120B of IPC. In order to substantiate the charge for the offence under Section 14A(b) of Foreigners Act, 1946 is concerned, the prosecution had examined P.W.1 to P.W.10 and marked documentary evidence as Exs.P1 to P15. The prosecution has also produced material objects marked as M.Os.1 to 7. In order to defend the case of the prosecution, the petitioner was examined as D.W.1 and marked documents as Exs. D1 and D2.

9. The prosecution mainly relied upon Ex.P15-the certificate of



Crl.R.C.No.255 of 2023

registration produced through P.W.10, which pertains to the year 2012 and is maintained by the S6 Sankar Nagar Police Station, Chennai. The register contains the details of foreign refugees who were registered. The last entry in the register pertains to one Mageswaran, a Srilankan citizen, who was assigned registration number 53/2012. However, Ex.D1, the certificate of registration produced by the petitioner reflects the registration number as 54/2012, which is not found in Ex.P15. Therefore, the prosecution denied the genuineness of Ex.D1 on the ground that the register contains only 53 registrations and the petitioner's alleged registration number does not exist therein.

10. As per the provisions of the Foreigners Act, 1946, the foreigners ought to have registered their names in the jurisdictional police station, where they reside. The petitioner was residing at No.8/5, 7th Cross Street, Pammal, Chennai. However, the petitioner did not register his name for his over stay in India. Even assuming that Ex.D1-certificate of registration is genuine, the petitioner himself admitted that his Visa period expired on 15.11.2012, whereas he allegedly registered his stay with the Inspector of Police, Sankar Nagar Police Station, Chennai, only on 06.12.2012. Therefore, admittedly, he had registered his name after 20 days of expiry of his Visa. Even assuming that Ex.D1 is genuine and the same was complied only on 06.12.2012



Crl.R.C.No.255 of 2023

after 20 days of expiry of his Visa. Hence, the prosecution categorically proved

the charge for the offence punishable under Section 14A(b) of Foreigners Act, 1946. Therefore, the Trial Court rightly convicted the petitioner for the offence punishable under Section 14A(b) of Foreigners Act and the same was also rightly confirmed by the Appellate Court.

11. In view of the above discussions, this Court finds no ground to interfere with the concurrent findings of the Trial Court and the Appellate Court regarding the conviction and sentence imposed on the petitioner.

12. Accordingly, this Criminal Revision Case stands dismissed.

03.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The XX Additional Sessions Judge,
City Civil Court, Chennai.

2. The II Metropolitan Magistrate,
Egmore, Chennai.



Crl.R.C.No.255 of 2023

3. The Inspector of Police,
Q Branch CID,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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Crl.R.C.No.255 of 2023

Crl.R.C.No.255 of 2023

03.06.2025