



Crl.A.No.1399 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No.1399 of 2025

1. Rowshan Ali

S/o.Rajab Ali,
Convict Prisoner,
PID No.656032
Central Prison-1,
Puzhal,
Chennai - 600 066.

2. Mohamed Khairul Islam

S/o.Samchur Rahman,
Convict Prisoner,
PID No.656031
Central Prison-1,
Puzhal,
Chennai - 600 066.



Crl.A.No.1399 of 2025

WEB COPY

3. Mohamed Aminur Rahman

S/o.Mohasmed Sithick Rahman,

Convict Prisoner,

PID No.656027

Central Prison-1,

Puzhal,

Chennai - 600066.

4. Mohamed Shoil Islam

S/o.Mohamed Farroq Hosan,

Convict Prisoner,

PID No.656028

Central Prison - 1

Puzhal,

Chennai - 600066.

5. Shaiful Islam

S/o.Ansar Ali,

PID No.656033

Central Prison-1

Puzhal,

Chennai - 600066.

6. Mohamed Abul Hossain

S/o.Mohamed Boslol Rahman Dootha,

PID NO.656030



Crl.A.No.1399 of 2025

WEB COPY

Central Prison-1

Puzhal,

Chennai - 600 066.

..Appellants/A1 to A6

Vs

The State, Represented by

The Inspector of Police,

Palladam Police Station,

Tiruppur.

...Respondent

Prayer : Criminal Appeal filed under Section 415(2) of BNSS to call for the records and set aside the conviction and sentence imposed on the appellant vide a Judgment dated 07.07.2025 by the II Additional District and Sessions Judge, Tiruppur, in S.C.No.57/2025, Chennai.

For Appellants : M/s.S.Nadhiya

For Respondent: Mr.S.Raja Kumar

Additional Public Prosecutor



Crl.A.No.1399 of 2025

JUDGMENT

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This Criminal Appeal challenges the Judgment of conviction and sentence passed by the learned II Additional District and Sessions Judge, Tiruppur, convicting the Accused Nos.1 to 6/appellants for the offence under Section 14 of the Foreigners Act, 1946. The Accused Nos.1 to 6/appellants were sentenced as follows:

Accused	Offence under Section	Sentence imposed
A1 to A6	Section 14 of the Foreigners Act, 1946 .	Each of the accused to undergo RI for two years and to pay a fine of Rs.10,000/- in default to undergo SI for three months.

2(a). The allegation against the appellants/A1 to A6 is that they had entered into Indian territory and they were staying at Tiruppur without any valid passport, visa, or any valid travel document from Bangladesh, and thus, committed the aforesaid offence.

(b). The appellants were arrested on 04.01.2025, and an FIR was registered on the complaint given by the Sub Inspector of Police, P.W.1. After conducting the investigation, P.W.4, the investigation officer, filed the



Crl.A.No.1399 of 2025

final report for the offences under Sections 3(2)(c) r/w 14 of the Foreigners Act, 1946, before the learned Judicial Magistrate, Palladam, which was taken on file as P.R.C.No.6 of 2025.

(c) On the appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with, committed to the learned II Additional District and Sessions Judge, Tiruppur, for trial, which was taken on file as S.C.No.57 of 2025. The trial Court framed charges against the accused for the offences under Sections 3(2)(c) r/w 14 of the Foreigners Act, 1946, and when questioned, the accused pleaded 'not guilty.'

(d) To prove its case, the prosecution had examined 4 witnesses as P.W.1 to P.W.4 and marked 11 exhibits as Exs.P1 to P11. When the accused was questioned, u/s.313 Cr.P.C., on the incriminating circumstances appearing against them, they denied the same. The accused neither examined any witness nor marked any document on their side.



Crl.A.No.1399 of 2025

(e) The trial Court found that the prosecution had established that all the appellants are Bangladeshi nationals and did not have a valid document to travel to India and found them guilty of the offence under Section 14 of the Foreigners Act, and accordingly, convicted and sentenced them as stated above. Hence, the accused has preferred the instant appeal challenging the said conviction and sentence imposed on them.

3(a). M/s. Nadhiya, the learned counsel for the appellants/A1 to A6, would submit that the instant appeal has been filed mainly challenging the sentence imposed on the appellants; and that since the appellants have been in custody since January 2025, the period of incarceration undergone by them would be sufficient punishment for the aforesaid offences and prayed for reduction of sentence.

(b). The learned counsel also relied upon the Judgments in similar cases by this Court reducing the period of sentence.



Crl.A.No.1399 of 2025

4. Mr.Raja Kumar, the learned Additional Public Prosecutor, for the respondent, submitted that the prosecution had established its case beyond reasonable doubt and there is no infirmity in the sentence imposed by the trial Court.

5. The prosecution had established that all the appellants are Bangladeshi nationals and they had entered into the territory of India without any valid document. The defence have not been able to discredit any of the witnesses. In any case, the appellants have not challenged the finding of guilt.

6. It is seen that all the appellants when they were questioned under Section 235 (2) of Cr.P.C., on sentence, have stated that their respective family members are living in Bangladesh and they would return to Bangladesh.

7. Admittedly since the family members of the appellants are living in Bangladesh and since the appellants are in custody for more than twelve months, this Court is of the view that the ends of justice would be met if the



Crl.A.No.1399 of 2025

appellants were sentenced to the period of imprisonment already undergone for the offence under Section 14 of the Foreigners Act.

8. Accordingly, the conviction of the appellants for the offence under Section 14 of the Foreigners Act, by the learned II Additional District and Sessions Judge, Tiruppur vide Judgment dated 07.07.2025 in S.C.No.57 of 2025, is confirmed. However, the sentence imposed on the appellants i.e., each of the accused/appellants to undergo RI for two years and to pay a fine of Rs.10,000/- in default to undergo SI for three months, is modified and the appellants are sentenced to the period of imprisonment already undergone and to pay a fine of Rs.10,000/- each in default to undergo SI for three months for the offence under Section 14 of the Foreigners Act.

9. Consequently, the appellants shall be released from the Judicial custody. They shall, however, be detained in the camps meant for such purposes, and after compliance with the relevant provisions, the authorities concerned may initiate action for their deportation of the appellants to their country. The authorities' concerned may expedite the process of deportation and shall complete the said process within a period of three months.



Crl.A.No.1399 of 2025

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10. In the result, the Criminal Appeal stands partly-allowed.

10-02-2026

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Speaking/Non-speaking order

Neutral Citation: Yes/No

dk

To

1. The II Additional District and Sessions Judge,
Tiruppur.

2. The Superintendent of Prison
Central Prison – I,
Puzhal, Chennai.

3. The Inspector of Police,
Palladam Police Station,
Tiruppur.

4. The Public Prosecutor
High Court of Madras,
Chennai – 600 104.



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Crl.A.No.1399 of 2025

SUNDER MOHAN, J.

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CRL A No. 1399 of 2025

10-02-2026

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