



Crl.A.No.1643 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 10-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1643 of 2025

1. Mohamed Salim

S/o.Mohamed Jahidul,
Kohuly Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

2. Mohamed Hridoy Hossain

S/o.Ashaduzzaman,
Kohuly Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

3. Mohamed Imon Ali

S/o.Haider Ali,
Tigiry Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.



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4. Mohamed Ziarul Ali

S/o.Mohamed Dilbar Ali,
Vatgram Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

5. Mohamed Ashik

S/o.Totamia,
Tigiry Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

6. Mohamed Asraf Ali

S/o.Kamal,
Bolwyli Village,
Shigra Police Station,
Naror District 6450,
Bangladesh.

7. Mohamed Betalsarkar

S/o.Siddik Sarkar,
Tigiry Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

8. Karim

S/o.Chanmia,
Vatgram Village, Kandurhat 5860,



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Nandiram Police Station, Bogra District,
Bangladesh.

9. Mohamed Rabbi,
S/o.Mohamed Abusid,
Desam Village, Tangamugur Post Office,
Shajahanpur Police Station,
Bogra District, Bangladesh.
10. Mohamed Abdhul Kuddus
S/o.Mohamed Shobahan Ali,
Dhohar Village,
Birpoli 5860 Post office,
Nanddigram Police Station,
Bogra District, Bangladesh.
11. Habilsarkar
S/o.Mohamed Chanmia,
Vatgram Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.
12. Mohamed Rana
S/o.Mohamed Siraj,
Kohuly Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.



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13. Mohamed Faruk Hosen,

S/o.Mohamed Mofazzolmia,

Kohuly Village, Kandurhat 5860,

Nandiram Police Station, Bogra District,

Bangladesh.

14. Mohamed Zonab Ali

S/o.Mohamed Setter Bag,

Parbrogpur Village,

Atrai Police Station,

Amrulkoshba Post Office,

6596 Naogano District, Bangladesh.

15. Mohamed Firoz Hosen

S/o.Mohamed Mofa Zzolmai,

Kohuly Village, Kandurhat 5860,

Nandiram Police Station, Bogra District,

Bangladesh.

16. Salmanhossain

S/o.Mohamed Shahjan Ali,

Shingrakhalas Village,

Birpoly Post Office,

Nandiram Police Station,

Bogra District,

Bangladesh.



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17. Mohamed Shofiqul Islam

S/o.Mohamed Afsar Ali,
Vatgram Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

18. Mohamed Selim Hossain

S/o.Mohamed Khalek,
Vatgram Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

19. Mohamed Atikul Islam

S/o.Mohamed Shodul Islam,
Kohuly village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

20. Mohamed Muminpramanik

S/o.Mohamed Shahidul Islam,
Kohuly Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

21. Mohamed Jelhg

S/o.Mohamed Korsedali,
Shngrakhalse Village,
Birpoly Post Office,



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Nandiram Police Station, Bogra District,
Bangladesh.

22. Mohamed Rozob Ali

S/o.Mohamed Mizanoor Rahman,
Montu Teghori Village,
Kunderhat Post Office,
5860 Nandiram Police Station,
Bogra District,
Bangladesh.

23. Mohamed Bipul Ahmmed

S/o.Mohamed Yeaquabali,
Tigiry Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

24. Mohamed Saidi

S/o.Mohamed Jalal Uddin,
Nimarpara Village, Jamgram Post Office,
Kahalu Police Station,
Bogra District, Bangladesh.

25. Mohamed Noormohamed Ali

S/o.Mohamed Ewsan Ali,
Tigiry Village, Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.



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26. Mohamed Sobuj Mia

S/o.Mohamed Moffajal Hossen,
Kundahat Post Office,
5860 Nandiram Police Station,
Bogra District,
Bangladesh.

27. Mohamed Ashadul

S/o.Mohamed Amagad Hossen,
Vatgram Village,
Kandurhat 5860,
Nandiram Police Station, Bogra District,
Bangladesh.

28. Mohamed Subho

S/o.Mohamed Anamdu,
Kundahat Post Office,
5860,
Nandiram Police Station,
Bogra District,
Bangladesh.

...Appellants/A1 – A28

Vs

The State rep. by,
The Inspector of Police,



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Palladam Police Station,

Tiruppur District.

Cr.No.53 of 2025.

(respondent police station amended as per the
order of this court dated 28.10.2025 in
Crl.A.No.1643 of 2025)

...Respondent/Complainant

Prayer : Criminal Appeal filed under Section 374(2) of Cr.P.C./415 of
BNSS, to set aside the conviction and sentence made in S.C.No.58 of 2025
on the file of the II Additional District and Sessions Judge, Tiruppur, dated
17.07.2025 and acquit the appellants/accused.

For Appellants: Mr.Boris PM
for M/s.S.Shiney

For Respondent: Mr.S.Raja Kumar
Additional Public Prosecutor



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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 28/appellants for the offence under Section 14 of the Foreigners Act, 1946. The Accused Nos.1 to 28/appellants were sentenced as follows:

Accused	Offence under Section	Sentence imposed
A1 to A28	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 case of the prosecution is that the appellants, A1 to A28, travelled to India without a valid permit, and they were working in a textile company 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 12.01.2025, 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



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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.11 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.58 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 30 exhibits as Exs.P1 to P30. 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.



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(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). The learned counsel for the appellants/A1 to A28, 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.



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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



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months, this Court is of the view that the ends of justice would be met if the 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/A1 to A28 for the offence under Section 14 of the Foreigners Act, by the learned II Additional District and Sessions Judge, Tiruppur vide Judgment dated 17.07.2025 in S.C.No.58 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



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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.

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

10-02-2026
(1/2)

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,
Puzhal – I.
3. The Inspector of Police,
Palladam Police Station,
Tiruppur.



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



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SUNDER MOHAN, J.

dk

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