Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1345 of 2026
CNR: {HCMA012453512026}

1. MD Motiur Ragman
2. Anjana Akter

..Appellant(s)

Vs

State Represented By, The Inspector of Police
Nallur Police Station, Tiruppur.
Crime No. 112/2025

..Respondent(s)

Prayer: Appeal filed under Section 374(2) of Cr.P.C./Section 415 of BNSS, to call for the entire records in connection with the SC No. 268 of 2025 on the file of the II Additional District and Sessions Judge at Tiruppur and set aside the conviction and sentence imposed by the Learned II Additional District and Sessions Judge at Tiruppur in SC No. 268 of 2025 dated 22.7.2026.

For Appellant(s): Mr.R.Rafi Babu

For Respondent(s): Ms.Sharada Vivek
Additional Public Prosecutor
assisted by Mr.M.Arul Raj

JUDGMENT

This Criminal Appeal challenges the Judgment of conviction and sentence dated 22.07.2026, passed by the learned II Additional District and Sessions Judge, Tiruppur, convicting the appellants for the offence under Section 14A(b) of the Foreigners Act, 1946 and sentencing the appellants to undergo rigorous imprisonment for two years and to pay a fine of Rs.10,000/- each, in default to undergo simple imprisonment for three months.

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

(ii). The appellants were arrested on 12.02.2025, and an FIR (*Exhibit P.1)* was registered on the complaint given by the Sub-Inspector of Police, *P.W.1*. After conducting a part of the investigation, *P.W.7*, The Inspector of Police at Nallur, handed over the entire records to *P.W.8*, the Inspector of Police who filed the final report against the accused for the offences under Sections 3(2)(a) and 3(2)(c) of the Foreigners Act, 1946, before the learned Judicial Magistrate No. IV, Tiruppur, which was taken on file as P.R.C.No.21 of 2025.

(iii) On the appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with, and the case was committed to the learned II Additional District and Sessions Judge, Tiruppur, for trial, which was taken on file as S.C.No.268 of 2025. The Trial Court framed charges against the appellants for the offence under Section 14A(b) of the Foreigners Act, 1946, and when questioned, the appellants pleaded 'not guilty.'

(iv) To prove its case, the prosecution had examined 8 witnesses as

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P.W.1 to *P.W.8* and marked 10 documents as *Exhibits P.1* to *P.10*. When the appellant was questioned under Section 351(1)(b) of BNSS, on the incriminating circumstances appearing against them, the appellants pleaded guilty. The defence neither examined any witness nor marked any document on their side.

(v) The Trial Court found that the prosecution had established that appellants were Bangladeshi Nationals and did not have a valid document to travel to India and found them guilty of the offence under Section 14A(b) of the Foreigners Act, 1946, and accordingly, convicted and sentenced them as stated above. Hence, the appellants have preferred the instant appeal, challenging the said conviction and sentence imposed on them.

3. *Mr.R.Rafi Babu*, the learned counsel for the appellants, would submits 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 February, 2025, he prayed for reduction of sentence.

4. *Ms.Sharada Vivek*, 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.

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5. The prosecution had established that the appellants were Bangladeshi Nationals and have entered into the territory of India without any valid document. The defence has not been able to discredit any of the witnesses. Further, *P.W.1*, the Sub-Inspector of Police, based on the secret information received, on 12.02.2025 at about 11.00 AM, inspected *M/s. Shark Knit Fashion Company* at K. Chettipalayam, where the appellants were alleged to be working, along with a Female Constable (*P.W.2*). On enquiry, they admitted that they were Bangladeshi Nationals. Copies of the Government of the People's Republic of Bangadesh National ID Cards of the appellants, marked as *Exhibits P.8* and *P.9,* were seized, which proved that the appellants were citizens of Bangladesh. In any case, the appellants have not challenged the finding of guilt.

6. It is seen that the appellants, when questioned under Section 258 (2) of BNSS, on sentence, have stated that their family members are living in Bangladesh and they would return to Bangladesh.

7. It is seen from the impugned judgment that the Trial Court has imposed the minimum sentence of imprisonment on the appellants and a fine of Rs.10,000/- each for the offence under Section 14A(b) of the Foreigners Act, 1946. Therefore, this Court finds no infirmity whatsoever in the sentence imposed on the appellants. However, considering the various facts, this Court is inclined to reduce the default sentence for

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non-payment of fine alone to three days of simple imprisonment for the aforesaid offence.

8. Further, the concerned Authorities shall bear in mind the observations made by the Hon'ble Supreme Court in ***M/s.Maja Daruwala and another v. State of West Bengal*** reported in ***2025 Law Finder SC 4783*** and take appropriate action and ensure that the appellants are deported to their own Country within a period of thirty days after they have undergone their period of sentence.

9. With the above directions, the Criminal Appeal is dismissed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

(*drm*)

To:

1. The Inspector of Police
   Nallur Police Station, Tiruppur.
   Crime No. 112/2025.

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

3. The Public Prosecutor
   Madras High Court, Chennai.

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SUNDER MOHAN, J.

(*drm*)

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