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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1325 of 2026

CNR: {HCMA012466612026}

MD Sujon Shekh
S/o. Abu Bakkar,
Tholla Gram Khan,
Pohurullah, Nararayangonz Zilla,
Dhaka, Bangladesh,
Appellant Presently confined in
Central Prison -I, Puzhal

..Appellant(s)

Vs

The State Rep. by,
The Inspector of Police,
Velampalayam Police Station,
Tiruppur City.
Cr.No.99 of 2025.

..Respondent(s)

Prayer: The Criminal Appeal has been filed under Section 374(2) of Cr.P.C., to call for the entire records in connection with the SC.No.59 of 2026 on the file of the learned Sessions Judge, Special Court for trial of SC/ST Cases, at Tiruppur and set aside the conviction and sentence imposed by the learned Sessions Judge, Special Court for trial of SC/ST Cases, at Tiruppur in SC.No.59 of 2026 dated 01.09.2026.

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

For Respondent(s): Ms. Sharada Vivek,
Additional Public Prosecutor,
Asst. By Mr.M.Arul Raj

JUDGMENT

This Criminal Appeal challenges the Judgment of conviction and sentence dated 01.09.2026, passed by the learned Sessions Judge, Special Court for trial of SC/ST Cases, at Tiruppur, convicting the appellant for the offence under Section 14A of the Foreigners Act, 1946 and Sections 336(3) and 340(2) of BNS and sentencing the appellant to undergo simple imprisonment for two years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for one month for the offence under Section 14A of Foreigners Act, 1946 and to undergo simple imprisonment for two years and to pay a fine of 1,000 and in default, to undergo simple imprisonment for one month for each of the offences under Section 336(3) BNS and Section 340(2) BNS.

2(i). The allegation against the appellant is that he had entered into Indian territory and was staying at Tiruppur without any valid passport,

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visa, or any valid travel document from Bangladesh and possessed forged Aadhar card and PAN card and thus, committed the aforesaid offences.

(ii). The appellant was arrested on 28.01.2025, and an FIR [Ex.P5] was registered on the complaint given by the Sub-Inspector of Police, P.W.1. After conducting the investigation, P.W.5, the investigation officer, filed the final report against the accused for the offences under Section 3(2)(c) and 14A(b) of the Foreigners Act, 1946 and Sections 336(2), 336(3) and 340(2) of BNS before the learned Judicial Magistrate No. III, Tiruppur, which was taken on file as S.C.No.150 of 2025.

(iii) The case was committed to the learned Sessions Judge, Special Court for trial of SC/ST cases, Tiruppur, for trial, which was taken on file as S.C.No.59 of 2026 and on the appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with. The trial Court framed charges against the Appellant for the offences under Section 14A of the Foreigners Act, 1946, and Sections 336(3) and 340(2) of BNS and when questioned, the appellant pleaded 'not guilty.'

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(iv) To prove its case, the prosecution had examined 5 witnesses as P.W.1 to P.W.5 and marked 9 documents as Exs.P1 to P9. When the appellant was questioned, u/ s.351(1)(b) of BNSS, on the incriminating circumstances appearing against him, he denied the same. The appellant neither examined any witness nor marked any document on his side.

(v) The trial Court found that the prosecution had established that appellant was a Bangladeshi national and did not have a valid document to travel to India and found him guilty of the offence under Section 14A of the Foreigners Act and Sections 336(3) and 340(2) of BNS, and accordingly, convicted and sentenced him as stated above. Hence, the appellant has preferred the instant appeal, challenging the said conviction and sentence imposed on him.

3.Mr.R.Rafi Babu, the learned counsel for the appellant, would submit that the instant appeal has been filed mainly challenging the sentence imposed on the appellant; and that since the appellant has been in custody since January 2025, he prayed for reduction of sentence.

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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.

5. The prosecution had established that the appellant was a Bangladeshi national and he had entered into the territory of India without any valid document. The defence has not been able to discredit any of the witnesses. Further, the PW1 during the regular patrol on 28.01.2025 at about 3.00 p.m., found a suspicious person within their station limits, who attempted to flee on seeing them and on enquiry, it was found that he was a Bangladeshi national. The birth certificate of the appellant [Ex.P7] was seized, which proved that the appellant was a citizen of Bangladesh. In any case, the appellant has not challenged the finding of guilt.

6. It is seen that appellant, when he was questioned under Section 258 (2) of BNSS, on sentence, had stated that his family members are living in Bangladesh and he would return to Bangladesh.

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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/- for the offence under Section 14A of the Foreigners Act, 1946. Further, the trial Court had imposed the sentence of two years of simple imprisonment and a fine of Rs.1000/- for each of the offences under Sections 336(3) and 340(2) of BNS. This Court finds no infirmity whatsoever in the sentence imposed on the appellants for the said offences. However, considering the various facts, this Court is inclined to reduce the default sentence for non-payment of fine alone to three days of simple imprisonment for each of the offences.

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 appellant is deported to his own Country within a period of thirty days after he has undergone his period of sentence.

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

29-10-2026

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

TSG

To

1.The Inspector of Police,
Velampalayam Police Station,
Tiruppur City.
Cr.No.99 of 2025.

2.The Sessions Judge,
Special Court for trial of SC/ST Cases,
Tiruppur.

3.The Superintendent,
Central Prison-1, Puzhal.

4.The Public Prosecutor,
Madras High Court.

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SUNDER MOHAN, J.

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