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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 16-10-2026

PRONOUNCED ON: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1309 of 2026

CNR: {HCMA012466632026}

1.Salim
S/o Yeazuddin,
Gowripur Village, Bangladesh

2.Mohammed Milon
S/o Hanif Howlader,
Sangsena (VIA), Navgram (PO) 8401,
Jhaikathisata (PS) Bangladesh.

3.Abdul hakim
S/o Noor Mohammed,
Paschimpara Village, Talukpara(via),
Chashepur(PO), Sherpur Dist, Bangladesh.

4.MD Abdus Mannan,
S/o Md Khalil,
45/1, Isdair (via), Fatulla(PO).
Naryangansisatar, Bangaladesh.

5.Rabiul
S/o Osman Pramanik,
Gouripur via, Rajbari Dist, Bangladesh

6.MD Rubel
S/o AH Halimkhan,
Navutai, Hosing (via), Adabar(PO).
Dhakapath City, Bangladesh.

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7.MD Rabbikali
S/o. Abdur Razzak Kaji,
Gouripur Via, Rajbari Dist, Bangaldesh.

8.Abdul Amin
S/o Md Sardar Ali,
Sheikh Kakir Chandail (PO), Dhaka, Bangaldesh,

9.MD Sipan Miya
S/o Latif,
Biramervita (via), Manoharpur, Palashbari (PS),
Gaibandha (DT), Bangladesh,

10.Asadul Islam,
S/o. Absar Ali,
Enayatnagar (PO), Banabania(via).
Narayanbans Sadar Dt., Bangladesh.
All the Accused are presently confined in Central
Prison-I, Puzhal

..Appellant(s)

Vs

State rep by the Inspector of Police
Velampalayam Police Station,
Tiruppur City
Crime No.99 of 2025.

..Respondent(s)

Criminal Appeal filed under Section 415(2) of the BNSS, to call for the entire records in connection with the SC No.178 of 2025 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 S.C.N.178 of 2025 dated 01.09.2026.

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

For Respondent(s): Mrs. Sharada Vivek,
Additional Public Prosecutor
assisted 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 19 persons including the appellants (A1, A3, A4, A5, A8, A9, A10, A11, A15 and A18) for the following offences:

Accused/Appellant No.	***Offence under Section***	***Sentence imposed***
A3, A4, A5, A8, A10, A11 and A18 Appellants 2 to 5, 7,8 and 10	Section 14A of the Foreigners Act, 1946	Each to undergo SI for two years and to pay a fine of Rs.10,000/-, in default to undergo SI for one month.
A1, A9 and A15/ Appellants 1, 6 and 9	Section 14A of the Foreigners Act, 1946	Each to undergo SI for two years and to pay a fine of Rs.10,000/- each, in default to undergo SI for one month.
	Section 336(3) of BNS	Each to undergo SI for two years and to pay a fine of Rs.1000/- each, in default to undergo SI for one month.
	Section 340(2) of BNS	Each to undergo SI for two years and to pay a fine of Rs.1000/- each, in default to undergo SI for one month.
Sentences were ordered to run concurrently.		

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2(i). The allegation against the appellants 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 some of them were found to be in possession of forged Aadhar and PAN cards, and thus, committed the aforesaid offence.

(ii). The appellants were arrested on 25.01.2025, and an FIR was registered on the complaint given by the Sub-Inspector of Police, P.W.1. After conducting the investigation, P.W.8, the investigation officer, filed the final report for the offences under Sections 3(2)(c) r/w 14A(b)of the Foreigners Act, 1946, and Sections 336(2), 336(3), 343(2) of BNS before the learned Judicial Magistrate No.III, Tiruppur.

(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 Sessions Judge, Tiruppur, for trial, which was taken on file as S.C.No.178 of 2025. The trial Court framed charges against the Appellants (A1, A9, A15) for the offences under Section 14A of the Foreigners Act, 1946, and Sections 336(3) and 340(2) of BNS and against

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other Appellants (A3, A4, A5, A8, A10, A11 and A18) for the offence under Section 14A of the Foreigners Act, 1946, and when questioned, the accused pleaded 'not guilty.'

(iv) To prove its case, the prosecution had examined 8 witnesses as P.W.1 to P.W.8 and marked 33 documents as Exs.P1 to P33 besides two material objects, M.O.1 and M.O.2. When the accused were questioned, u/s.313 Cr.P.C., on the incriminating circumstances appearing against them, they denied the same. The Appellants neither examined any witness nor marked any document on their side.

(v) 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 offences under Section 14A of the Foreigners Act, Sections 336(3) and 340(2) of BNS 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.

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3.Mr.R.Rafi Babu, the learned counsel for the appellants, 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 a sufficient punishment for the aforesaid offences and 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.

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 and that some of the appellants (A1, A9, A15) were found to be in possession of forged Government ID cards. The defence has not been able to discredit any of the witnesses. Further, P.W.1, the Sub-Inspector of Police, has deposed that while he was on patrol duty on 25.01.2025 around 6.00 p.m., based on an information

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received from an informer, found 20 suspicious people standing near G.V.Shri Hotel, Varathottam, who were speaking in Hindi and Bengali. On enquiry, he found that they were Bangladeshi Nationals and that some of them had forged Aadhar and PAN cards, which they admitted to have obtained using fake addresses from a broker in Kolkata. P.W.8 seized the ID cards and birth certificates of the appellants, which proved that they were citizens of Bangladesh. In any case, the appellants have not challenged the finding of guilt.

6. It is seen that most of the appellants, when they were questioned under Section 258 (2) of BNSS, on sentence, have prayed to consider the period spent in camp as imprisonment and therefore, prayed to grant the minimum sentence prescribed by the Act.

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

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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 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.**

27-10-2026

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

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SUNDER MOHAN, J.

ars/dk

To

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

2. The Inspector of Police
Velampalayam Police Station,
Tiruppur City.

3. The Superintendent of Prisons,
Central Prison, Puzhal-1, Chennai.

4. The Public Prosecutor,
High Court, Madras.

Pre-delivery judgment in
CRL A No. 1309 of 2026

27-10-2026

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