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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1354 of 2026

CNR: {HCMA012540682026}

1. MD Momimul Islam
   S/o Md Bablu Bepari,
   Dhak Pathra Village,
   Harirampuram, Gobindaganj,
   Bangladesh,
   Presently confined in Central Prison-I,
   Puzhal.

2. Anjana Khathun
   W/o Md Momimul Islam,
   Dhak Pathra Village, Harirampuram,
   Gobindaganj, Bangladesh,
   Presently confined in Women's Central Prison,
   Puzhal.

3. Md Rahim Molla
   S/o. Md Bakkar Mollah,
   Kartirakandi Village,
   Chakghar Sealdi,
   Faridpur, Bangladesh,
   Presently Confined in Central Prison-1, Puzhal.

4. Masud Rana,
   S/o. Maser Fakir,
   Munshikandi Village,
   Charatra, Shariatpur,
   Bangaladesh,
   Presently confined in Central Prison-I,
   Puzhal.

..Appellant(s)

Vs

The State rep. by
The Inspector of Police
Nallur Police Station,
Tiruppur, Crime no.78 of 2025.

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..Respondent(s)

Prayer: The Criminal Appeal is filed under Section 374(2) of Cr.P.C., to call for the entire records in connection with the S.C.No.382 of 2025 on the file of the learned Sessions Judge, Special Court for trial of SC/ST Cases, Tiruppur and set aside the conviction and sentence imposed by the learned Sessions Judge, Special Court for Trial of SC/ST Cases, Tiruppur in S.C.No.382 of 2025 dated 11.09.2026.

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 11.09.2026, passed by the learned Sessions Judge, Special Court for Trial of SC/ST Cases, Tiruppur, convicting seven persons, including the appellants for the offence under Section 14A of the Foreigners Act, 1946 and sentencing the appellants 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.

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.

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(ii). The appellants along with 4 others were arrested on 24.01.2025, and an FIR [Ex.P2] was registered on the complaint given by the Sub-Inspector of Police, P.W.1. After conducting the investigation, P.W.6, the investigation officer, filed the final report against the accused for the offences under Sections 3(2)(a), 3(2)(c) and 14(A)(b) of the Foreigners Act, 1946, before the learned Judicial Magistrate No. IV, Tiruppur, which was taken on file as SC.No.80 of 2025.

(iii) The case was committed to the learned Sessions Judge, Special Court for trial of SC/ST cases, Tiruppur, which was taken on file as S.C.No.382 of 2025 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 Appellants for the offence under Section 14A of the Foreigners Act, 1946, and when questioned, the appellants pleaded 'not guilty.'

(iv) To prove its case, the prosecution had examined 6 witnesses as P.W.1 to P.W.6 and marked 19 documents as Exs.P1 to P19. When the appellants were questioned, u/ s.351(1)(b) of BNSS, on the incriminating circumstances appearing against them, they pleaded not guilty. The appellants neither examined any witness nor marked any document on their side.

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(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 of the Foreigners Act, 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 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, 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.

5. The prosecution had established that the appellants were Bangladeshi nationals and they had entered into the territory of India without any valid document. The defence has not been able to discredit any of the witnesses.

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Further, P.W.1, the Sub-Inspector of Police, during her regular patrol on 24.01.2025 at about 9.00 a.m., received a secret information that foreign nationals were working at Sagh Exports Company at Tiruppur. Based on the said information, PW1 along with one Vino Anandhan, head constable went to the said company for enquiry. During the enquiry, eight persons including the appellants admitted that they were Bangladeshi nationals. The national identity cards and birth certificates of the appellants 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 appellants, when they were questioned under Section 258 (2) of BNSS, on sentence, prayed for minimum sentence prescribed by the Foreigners 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. 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 non-payment of fine alone to three days of simple imprisonment for the aforesaid offence for all the appellants.

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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 the period of sentence.

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

29-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Note: Issue order copy on 11.11.2026
TSG

To

1.The Inspector of Police
Nallur Police Station,
Tiruppur, Crime no.78 of 2025.

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

3.The Superintendent,
Central Prison – I, Puzhal.

4.The Superintendent,
Women's Prison, Puzhal.

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5.The Public Prosecutor,
Madras High Court.

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SUNDER MOHAN, J.

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