HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4014 of 2004

Yusuf And Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Amit Daga, Kushagra Srivastava, Shahrukh
Counsel for Respondent(s)	:	Govt. Advocate

Court No. - 90

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

The present criminal appeal has been preferred against the judgment and order dated 13.07.2004 passed by the learned Additional Sessions Judge, Fast Track Court No. 4, Muzaffarnagar, in Sessions Trial No. 422 of 2002, arising out of Case Crime No. 175 of 2001, under Section 14 of the Foreigners Act, 1946, Police Station Civil Lines, District Muzaffarnagar, whereby the appellants have been convicted and sentenced to undergo three years and four months of simple imprisonment along with a fine of Rs. 500/- each, with an additional fifteen days of simple imprisonment in default of payment of fine.

Learned counsel for the appellants has assailed the impugned judgment on the ground that the learned trial court has failed to properly appreciate the evidence available on record and has ignored the defence version. It is further submitted that the conviction is contrary to the settled principles of criminal jurisprudence and that the sentences awarded are excessive.

Accordingly, a prayer has been made for setting aside the convictions and sentences recorded by the learned trial court.

Per contra, learned A.G.A. has supported the impugned judgment and submitted that the prosecution has successfully established its case through reliable oral and documentary evidence. Therefore, no interference with the impugned judgment is warranted. At the time of hearing, none appeared on behalf of the appellants. However, learned A.G.A. advanced arguments on behalf of the State.

The State has filed an affidavit of compliance along with reports from the Superintendents of the concerned jails, which indicate that the appellants have already undergone the substantive sentences of three years and four months of imprisonment awarded by the learned trial court.

According to the prosecution case, on 06.05.2001, during interrogation in connection with another criminal case, it came to light that Abdul Aziz had arrived in India from Pakistan in 1996 along with his family members on visas. After staying in Muzaffarnagar for some time, they shifted to rented accommodation in Mustafabad Mohalla without informing the local police authorities. On the basis of the information received, the police apprehended Abdul Aziz and his family members. Upon verification of their passports and visas, it was found that the visas were valid for a period of thirty days from 12.09.1996, permitting their stay in Muzaffarnagar. The prosecution alleged that the appellants had continued to reside in India beyond the permitted period without obtaining valid authorisation.

After completion of the investigation, a charge-sheet was submitted before the competent court. The learned trial court framed charges against the accused persons, who denied the allegations and claimed to be tried.

To prove its case, the prosecution examined P.W.-1, A.S.I. Braj Nandan Sharma; P.W.-2, Inspector Achal Kumar, Local Intelligence Unit; P.W.-3, Head Constable Shivraj Sharma; and P.W.-4, S.I. Hemendra Kumar Sharma, the Investigating Officer.

The prosecution also proved the FIR, general diary entries, site plan, charge-sheet, identity documents, passports, visa documents and other relevant materials, which were marked as Exhibits Ka-1 to Ka-14.

The principal question for consideration before this Court is whether the prosecution has successfully established that the appellants were foreign nationals who continued to remain in India beyond the periods authorised by their respective visas.

The oral and documentary evidence available on record reveals that the prosecution has duly proved the relevant passport and visa documents, thereby establishing the nationality of the appellants and the periods for which they were authorised to stay in India. The visas were valid for a period of only thirty days from 12.09.1996, whereas the appellants were

found residing in India long after the expiry of the authorised period.

The testimonies of the prosecution witnesses, read in conjunction with the documentary evidence duly proved during the trial, establish the circumstances in which the appellants were apprehended and their immigration documents were verified. The defence has failed to point out any material contradictions, inconsistencies or infirmities in the prosecution evidence that could render it unreliable. The convictions are further supported by independently proved documentary evidence relating to the passports and visas of the appellants.

Upon an independent reappraisal of the evidence available on record, this Court finds that the learned trial court has properly appreciated the material evidence and has rightly recorded its findings.

The findings recorded by the learned trial court are neither perverse nor contrary to the evidence available on record. The prosecution has successfully established the ingredients of the offence punishable under Section 14 of the Foreigners Act, 1946.

In view of the foregoing discussion, this Court finds no ground to interfere with the convictions and sentences awarded by the learned trial court.

Accordingly, the appeal is **dismissed**. The judgment and order dated 13.07.2004 passed by the learned Additional Sessions Judge, Fast Track Court No. 4, Muzaffarnagar, in Sessions Trial No. 422 of 2002, arising out of Case Crime No. 175 of 2001, convicting and sentencing the appellants under Section 14 of the Foreigners Act, 1946, is hereby affirmed.

Let the lower court record be transmitted back to the court concerned along with a copy of this judgment for information and necessary compliance.

October 29, 2026
Pravesh Mishra

(Mrs. Vani Ranjan Agrawal,J.)

Digitally signed by :-
PRAVESH KUMAR MISHRA
High Court of Judicature at Allahabad