



HIGH COURT OF TRIPURA
AGARTALA

Crl. A(J) 49/2026

Mst. Lija, wife of Selim Miah, resident of Algikandapara, P.S. Norsinghdi, District-Norsinghdi, Bangladesh;

----Convict-Appellant

Versus

The State of Tripura

----Respondent

For the Appellant(s)	:	Ms. A. De, Advocate
For the Respondent(s)	:	Mr. Raju Datta, PP
Date of hearing & delivery of Judgment & Order	:	21.09.2026
Whether fit for reporting	:	No

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
JUDGMENT & ORDER(ORAL)

Heard Ms.A. De, learned Counsel appearing for the appellants also heard Mr. Raju Datta, learned Public Prosecutor, appearing for the respondent-State of Tripura.

2. The appellant, by means of filing the present appeal has challenged the Order of conviction and sentence dated 04.06.2025 passed by the learned Sessions Judge, Dhalai, Ambassa, in connection with case No. S.T. (Type-II) 01 of 2025, wherein the appellant was convicted for commission of offence punishable under 336(3) of BNS and 3(3) of Passport (Entry into India) Act, 1920, and was sentenced to suffer S.I. for five years and to pay a fine of Rs.10,000/- with default stipulation for commission of offence punishable under Section 336(3) of BNS , and further sentenced to suffer S.I. for two years and to pay a fine of Rs.10,000/- with default stipulation for commission of offence punishable under Section 3(3) of the Passport (Entry into India) Act, 1920.

3. The prosecution case, is that, on 06.10.2024 at 1020 hours, the complainant alongwith Ambassa GRPS staffs and BSF personnel were performing regular checking duty in ABS Railway station and during their duty they found suspicious movement of two female persons in platform No.1 and on asking when they failed to give satisfactory reply, they detained the female persons and on thorough interrogation by the woman ASI, both of them admitted and disclosed that they are Bangladeshi national and have entered into Indian Territory without valid documents and they also failed to produce any valid documents like Passport and Visa for entering into Indian Territory. Thereafter an FIR was registered against the appellant and another.

4. After completion of investigation, the I.O has submitted charge-sheet against the appellant. On receipt of the charge-sheet, learned trial Court framed charge against the appellant under sections 336(3) of BNS and Section 3(3) of Passport Act (Entry into India), 1920, to which both the appellant pleaded guilty and declined to stand trial. Since, the appellant has pleaded guilt, learned trial Court finding the appellant guilty of the alleged offence, convicted the appellant, as stated *supra*.

5. Ms. De, learned counsel appearing for the appellant has submitted that the appellant had been languishing in custody since her arrest. Learned counsel further submitted that the appellant has not misrepresented her identity and has pleaded her guilt, and thus, learned counsel urged this Court to reduce her sentence as of she has already suffered or in the alternative to push her back to Bangladesh as per procedure.

6. On the other hand Mr. Raju Datta, learned PP appearing for the State-respondent has submitted that appellant has illegally entered into the Indian territory and she is in jail since her arrest.

7. This Court has considered the submissions of learned counsel appearing for the parties, and has perused the records. This court has also requested learned PP to take instruction from the Home Department as if there is any objection with regard to deportation/repatriation of foreigners, more particularly, Bangladeshi nationals.

8. Today when the matter is taken up for hearing, learned PP has submitted that the Government of Tripura has no objection if this Court directs to push back the convict appellants to their own country, Bangladesh. In support of his submission, learned PP has submitted a letter issued by the Under Secretary, Government of Tripura. For convenience, the said communication is reproduced hereunder:

**"URGENT
HIGH COURT CASE MATTER**

No.F.13 (9)-PD/22-part (14)/2817
GOVERNMENT OF TRIPURA'
HOME DEPARTMENT

[Dated e-signed date]

To
Ld. Additional Public Prosecutor,
Hon'ble High Court of Tripura, Agartala.
Subject: -Crl. Appel (1) No.48 of 2026(Ratilal Das and Anr.-Vs- State of Tripura) Cri. Appeal(J) No.49 of 2026 (Mst. Lija -Vs- State of Tripura) and Crl.Appel(J) No.50 of 2026 (Mansura Aktar -Vs- State of Tripura).

Sir,

I am directed to refer to your Notes dated 08.09.2026 in connection with the Crl. Appeal (J) No.48 of 2026 (Ratilal Das and Anr.-Vs- State of Tripura), Crl. Appeal(J) No.49 of 2026 (Mst. Lija -Vs- State of Tripura) and Crl. Appeal (J) No.50 of 2026 (Mansura Aktar -Vs- State of Tripura) and to state that the Department does not have any objection if the Hon'ble Court directs to push back the convicted persons to their own country i.e. Bangladesh instead of keeping them in jail to serve the imprisonment, in compliance of the judgment passed by Ld. Courts.

This is for your kind information and doing the needful.

Yours faithfully,
Digitally signed by Pankaj Das
Date: 17-09-2026, 15:41:41
Under Secretary to the Government of Tripura

Copy to:

The Director General of Police, Tripura for kind information. This is in reference to the letter No.2196/R-159/PHQ/LC/2025, dated 14.09.2026."

9. From the communication dated 17.09.2026, it is obvious that the State Government has no objection if the appellant is deported to her native country i.e. Bangladesh instead of keeping her in jail custody.

10. Since there is no antecedence against the appellant and considering the stand taken by the State Government with regard to deporting

the appellant to Bangladesh, this court is of the opinion that a lenient view may be taken considering the offence as primary offence committed by the appellant.

11. Accordingly, this Court modifies the Order of conviction and sentence dated 04.06.2025 passed by the learned Sessions Judge, Dhalai, Ambassa, in case No. S.T. (Type-II) 01 of 2025 to the extent the appellant herein has undergone the period of custody from the date of her arrest to till date. The remaining period of sentence stands waived. The appellant shall be pushed back to her native country, Bangladesh. All necessary steps be taken by the State respondent to push-back the appellant as per procedure. Till the appellant is pushed back to Bangladesh, she shall continue to stay in custody of the jail, but shall not be treated as convict.

12. With the above observations and direction, the instant appeal stands disposed. As a sequel, pending application(s), if any, also stands disposed.

Send down the LCRs.

JUDGE

SAIKAT KAR Digitally signed by
SAIKAT KAR
Date: 2026.09.22
14:38:26 +05'30'