

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No. 341 of 2025

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Md. Najmul Hawaldar @ Nazmul Hawaldar @ Nazmul
Hawladar, aged about 21 years, Son of Inayat Hawaldar,
Resident of Village- Shantibhanga, P.O. & P.S.- Morelganj,
District- Bagerhat, Bangladesh. **.....Appellant**

Versus

1. The State of Jharkhand.
2. SI Kundan Kant Vimal, aged about 38 years, Son of Krishna Prasad, Resident of Faujabagan Police Station Sidhgora, East Singhbhum, P.O. + P.S.- Sidhgora, District- East Singhbhum, Jharkhand.
3. The Union of India. **.....Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant	: Mr. Shubham Mishra, Advocate
For the State	: Ms. Bandana Sinha, A.P. P.
For the UOI	: Mr. Prashant Pallav, ASGI
	Ms. Shreya Shukla, AC to ASGI
<i>Amicus Curiae</i>	: Mr. Krishana Shankar, Advocate

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C.A.V on 17.06.2026

Pronounced on 29.09.2026

1. Although the case is fixed for judgment but it transpires that the *Amicus Curiae* has not pressed the I.A. No. 3226 of 2025 filed under Section 5 of Limitation Act for condoning the delay of 154 days.
2. It appears that the appellant is in custody and hence the delay of 154 days in filing this Criminal Appeal is condoned.
3. Thus, I.A. No. 3226 of 2025 is allowed and stands disposed of.

4. This Criminal Appeal has been filed on behalf of the appellant under section 415(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 through Jharkhand High Court Legal Services Committee, Ranchi by challenging the judgment of conviction dated 15.06.2024 and sentence dated 19.06.2024 passed in Sessions Trial No. 101 of 2024 by Ms. Neeti Kumar, learned Additional Sessions Judge-I, Rajmahal by which the appellant has been convicted for the offence under Section 14A(b) of the Foreigners Act and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.10,000/- and in default of payment of fine, he is further sentenced to undergo S.I. for fifteen (15) days. The Trial Court has also directed that period of detention undergone by the convict during investigation shall be set off as per provisions of Sections 428 of Cr.P.C.

5. The prosecution case has been instituted on the basis of self-recorded statement of Sub-Inspector namely, Kundan Kant Vimal, aged about 38 years, presently posted as Police Station Incharge, Rajmahal, District Sahebganj, stating therein that on 24.02.2023 at about 22.10 pm, one secret information was received that a stranger suspicious person is roaming around near Taljhari Railway Station who was talking in Bengali language. After registering of the above intent in Sanha, he left at 22.20 pm for verification of the information and necessary action and included the patrol party met on the way with and then he left for Taljhari Railway Station from the police station along with Sub Inspector Vijay Kumar Ojha and armed force policemen. As soon as they reached in front of Bank of India near Taljhari Railway Station at 22.50 hrs, then on seeing the police vehicle, the stranger panicked and tried to run away, but he was caught with the help of

the armed forces accompanying him. On questioning the arrested person, he started speaking in Bangla and broken Hindi. He told his name as Najmul Hawaldar, aged about 20 years, father Inayat Hawaldar, resident of Shantibhanga, Police Station- Morelganj, District Bagerhat, Dhaka, Bangladesh. Thereafter, he was asked for passport and travel documents but he said that he did not have one. On further questioning, he told that about One (01) month ago, with the help of a person named Mohammad Sagar, he entered India by paying 20,000 rupees while crossing the Sylhet border and with the help of Sagar's friend Rahul and he reached Delhi and started living in a slum under the bridge, where he worked as a scrap dealer. In this sequence, people of Rahul and Mohd. Sagar started luring and pressuring him to join the world of crime. Then he was returning to his country Bangladesh after running away from there when he was caught on the way. Thereafter, the said person was thoroughly searched and a black green colour keypad mobile of Win Star company whose IMEI is 1.358428121414669, 358428121414677 was recovered from him. Since it was late night, the rural witnesses were not available and hence the recovered mobile was duly seized in the presence of armed constable Mahesh Kumar and Ramesh Murmu and seizure list was prepared and a copy of same was given to the said person.

Thus, entering India without passport and travel documents and staying there without authorization is a punishable offence under Section 14 (A) (b)/14 (c) of the Foreigners Act, 1946 and after preparing the arrest memo, he duly arrested him and his families are being informed through proper channels. Then the informant left the spot along with the seized items and the arrested person.

6. Heard learned counsel and learned *Amicus Curiae* for the appellant, learned counsel for the State representing the Respondent No.1 and Respondent No.2 and also learned counsel for the Union of India representing the Respondent No.3.

7. It is submitted by the learned counsel appearing on behalf of the appellant that the impugned judgment and sentence passed by the learned Trial Court is illegal, arbitrary and not sustainable in law. It is submitted that the learned Court below has failed to take into consideration that the appellant has shown his bona fide intent and pleaded guilty for the alleged offence.

8. It is submitted that the learned Trial Court below has failed to take into consideration that the appellant is a first time offender and was of a tender age. It is submitted that the learned Court below has failed to take into consideration that there is no past criminal antecedents against the appellant, and the appellant is the sole bread earner of the family.

It is submitted that the learned Court below has failed to consider that the appellant is languishing in custody and as such has already undergone substantive period. It is submitted that the impugned judgment of conviction and sentence is otherwise bad in law and the same is liable to be set aside and hence, the impugned judgment and sentence passed by the learned Trial Court may be set aside and the appellant may be acquitted and this criminal appeal may be allowed.

9. On the other hand, learned counsel for the State has submitted that this criminal appeal is not maintainable and the submission of the appellant is devoid of merit.

10. It is further submitted that the Ministry of Home Affairs, Government of India has framed S.O.P dated 02.05.2025 regarding

the procedure for deportation of illegal Bangladeshi Nationals. It is further submitted that vide letter dated 31.01.2025 the Superintendent of Police, Sahebganj had informed the Joint Secretary (C.P.V) Ministry of External Affairs regarding the completion of the sentence of the Appellant namely Najmul Hawaldar (Bangladeshi) and requested for further direction for repatriation of the aforesaid Bangladeshi Foreigner.

11. It is further submitted that during the custody period of the appellant namely, Najmul Hawaldar, the Ministry of External Affairs, Government of India has also sent a letter to High Commission enclosing the details of the appellant for nationality verification of Bangladesh National, namely Najmul Hawaldar who was at that time was in Central Jail, Dumka, Jharkhand and requested to take urgent necessary action and arrange Travel Permit for facilitating repatriation of aforesaid Bangladeshi Foreigner.

Thereafter, the Deputy High Commission for Bangladesh, Kolkata has informed vide letter dated 05.03.2025 that the address of the aforesaid Bangladeshi had not been found by the concerned authority in Bangladesh, hence his citizenship could not be verified in Bangladesh.

12. It is further submitted that after the completion of the sentence awarded to the present Bangladeshi i.e. the Appellant, was sent to Detention Center, Hazaribagh for further process for deportation of the appellant but in the meanwhile the appellant escaped from there along with two others Bangladeshi and later on they were apprehended by the police. Thereafter, one another F.I.R was lodged being Lohsighna P.S. Case no.88/2025 u/s 262/3(5) of B.N.S against the present appellant namely Najmul Hawaldar and

now he is in judicial custody in connection with Lohsighna P.S. Case no.88/2025 u/s 262/3(5) of B.N.S.

Thus, the appeal filed by the appellant is fit to be dismissed.

13. Learned counsel for the Union of India has submitted that that the Criminal Appeal is not maintainable. It is further submitted that deportation or repatriation of the foreigners falls within the preview of State Government of the Union Territories in consultation with the Ministry of External Affairs. It is further submitted that as per communication received from FRRO, Kolkata vide letter dated 10.10.2025, the deportation of any foreign national will be affected only after the conclusion of all the pending legal proceeding or may take fresh at the order of the Court. It is further submitted that necessary procedures for deportation/repatriation has been circulated to all the State Governments as per BMHA Guidelines of 2014 and 2019. Hence, this Criminal Appeal may be dismissed.

14. Perused the Trial Court record and considered both sides.

15. This criminal appeal has been filed on behalf of the appellant through Jharkhand High Court Legal Services Committee.

16. It transpires from the Trial Court Records that FIR was lodged against the appellant and two others namely, Rahul and Md. Sagar on 25.02.2023 under Section 14(A)(b)/14(C) of the Foreigners Act and he was remanded in this case on 25.02.2023 itself.

17. Thereafter, the police after completing investigation, had submitted charge-sheet against the appellant under Section 14(A)(b) and 14(C) of the Foreigners Act on 02.05.2023 before the

learned S.D.J.M., Rajmahal. Thereafter, the learned S.D.J.M., Rajmahal vide order dated 02.05.2023 had taken cognizance against the appellant under Section 14(A)(b) and 14(C) of the Foreigners Act on 02.05.2023.

18. After supplying the police papers to the accused-appellant on 05.06.2023, the charges were framed against the appellant on 05.06.2023 under Section 14(A)(b) and 14(C) of the Foreigners Act by then learned S.D.J.M., Rajmahal and to which he pleaded not guilty and claimed to be tried and the case was fixed for prosecution evidence on 17.06.2023.

19. It further transpires from the record that the case remained pending in the Court of learned S.D.J.M on 19.06.2023, 01.07.2023, 14.07.2023, 27.07.2023, 09.08.2023, 21.08.2023, 02.09.2023, 27.09.2023, 10.10.2023, 20.10.2023, 02.11.2023, 16.11.2023, 30.11.2023, 12.12.2023, 23.12.2023, 05.01.2024, 17.01.2024, 29.01.2024, 09.02.2024, 22.02.2024 and 06.03.2024 respectively.

20. It further reveals from the learned Trial Court record that on 06.03.2024 then the learned C.J.M., Rajmahal vide order dated 06.03.2024 had committed the case to the Court of Sessions under Section 323 of Cr.PC by observing that the maximum punishment under Section 14A(b) of Foreigners Act is 08(Eight) years, hence in the light of Schedule-II of Cr.PC the case is triable by the Court of Sessions.

21. Thereafter, the record was received in the Court of learned Sessions Judge, Sahibganj on 11.03.2024 and later on it was transferred to the Court of learned Additional Sessions Judge-I, Rajmahal for trial and disposal by then learned Sessions Judge, Sahibganj.

22. It further reveals that vide order 19.03.2024 then learned Additional Sessions Judge-I, Rajmahal had directed the office to issue P/W (i.e. Production Warrant) and the case remained pending for production of appellant on 19.04.2024, 07.05.2024 and 28.05.2024 in the court of learned Additional Sessions Judge-I.

23. However, on 28.05.2024, as it reveals from the learned Trial Court record, that one Md. Asadul Islam Hawaldar, brother of the appellant was permitted to meet the appellant in Sub-Jail, Rajmahal and on 28.05.2024, one application to plead guilt was filed on behalf of the appellant.

24. It further reveals from the learned Trial Court record that the appellant was produced before the learned Trial Court i.e. learned Additional Sessions Judge-I on 15.06.2024 and on 15.06.2024 itself charges under Section 14(A)(b) of the Foreigners Act was framed against him and which was also read over to the accused in his local language and the accused-appellant namely, Md. Najmul Hawaldar @ Nazmul Hawaldar @ Nazmul Hawladar pleaded his guilt.

25. Thus, the argument was heard on behalf of both the sides and the case was fixed for judgment on 15.06.2024 and the appellant was convicted under Section 14(A)(b) of the Foreigners Act on 15.06.2024 by then the learned Additional Sessions Judge-I, Rajmahal and the case was fixed on 19.06.2024 on the point of sentence.

26. On 19.06.2024 the appellant was sentenced to undergo RI for Two (02) Years and to pay the fine of Rs.10,000/- (Ten Thousand) for committing the offence punishable under Section 14(A)(b) of the Foreigners Act as mentioned earlier by the learned Trial Court. Hence, the instant Criminal Appeal has been filed.

27. Thus it is evident that the appellant himself had pleaded guilt on 15.06.2024 before the learned Trial Judge, Ms. Neeti Kumar and the learned Trial Court has convicted the appellant under Section 14(A)(b) of the Foreigners Act and sentenced him to undergo R.I for two (02) years only and to pay the fine of Rs. 10,000/- (Rs. Ten Thousand), although as per provisions of Section 14(A)(b) of the Foreigners Act, the sentence could have been imposed upto Eight (08) Years.

28. This Court finds that the learned Trial Judge was liberal in imposing sentence upon the appellant. The learned Court below ought to have awarded deterrent sentence upon the appellant.

29. Learned counsel for the State has also filed the counter-affidavit in this case in the light of order dated 07.08.2025 passed by this Court.

30. From the counter-affidavit filed by the State, it transpires that earlier the State has also filed counter-affidavit on 12.08.2025 stating therein that vide letter dated 31.01.2025 the Superintendent of Police, Sahibganj had informed the Joint Secretary (C.P.V) Ministry of External Affairs regarding completion of sentence of the appellant and requested for further direction for repatriation of the appellant.

31. Thereafter the Ministry of External Affairs, Government of India had sent the letter to the High Commission vide letter dated 22.11.2024 (Annexure-C) for taking urgent action and also to arrange travel permit for repatriation of aforesaid Bangladeshi Foreigner. Surprisingly, vide letter dated 05.03.2025 (Annexure-D) the Deputy High Commission of Bangladesh had informed the Kolkata Police that the address of the Foreigner Bangladeshi, Md. Najmul Hawladar had not been found by the concerned

authority in Bangladesh and hence, his Bangladeshi Citizenship could not be verified.

32. This action amounts to deliberate suppression of fact by the High Commission of Bangladesh because when the appellant has himself admitted that he is a foreigner and the appellant was convicted under Section 14(A)(b) of the Foreigners Act then there was no occasion to call for or to verify his address by the High Commission and yet they submitted wrong report. Thereafter, when this Court has queried about the affidavit then the learned Additional Public Prosecutor had prayed for time to file the another counter-affidavit and which was allowed vide order dated 13.08.2025 passed by this Court.

33. Even learned Advocate General has informed this Court on 07.08.2025 that the appellant is likely to be deported to his Country Bangladesh and for which there is S.O.P of Ministry of Home Affairs and this fact was recorded in the order-sheet of this case.

The order-sheet dated 07.08.2025 reads as follows:

“Para-3:- Mr. Rajiv Ranjan, learned Advocate General has appeared and submitted that the appellant has already completed his period of custody and has pleaded his guilt and was to be sent to the detention camp, Kolkata and in the meantime, he was kept in the Central Jail, Hazaribagh for his deportation to Bangladesh but he has fled away. However, the appellant has again been arrested and a fresh case has been instituted bearing Lohsingna P.S Case No. 88/25 dated 09.06.2025 instituted for the offence under Section 262/3 (5) of B.N.S, 2023 and

Section 14 of the Foreigners Act, 1946 in the Hazaribagh district and charge sheet has also been submitted against the appellant on 21.07.2025 before the Civil Courts, Hazaribagh.

Para-4:- Learned Advocate General, in this regard, has produced the photocopy of the letter dated 06.08.2025 sent by S.I Gulam Sarvar, Officer-in-Charge, Rajmahal addressed to Additional Public Prosecution Smt. Bandana Sinha, let it be kept on record.

Para-5:- Mr. Rajiv Ranjan, learned Advocate General has further informed that the appellant, who has been convicted, is likely to be deported to the concerned country i.e. Bangladesh and for which, there is S.O.P of Ministry of Home Affairs and has further submitted that he will take necessary instruction and will file necessary affidavit in the next week.

Para-6:- It also appears that two foreigners namely Rina Khan @ Fina Devi and Nipah Akhtar Khushi have also been arrested and their names have been shown in the Letter dated 09.06.2025 issued by the Superintendent, Loknayak Jaiprakash Narayan, Central Jail, Hazaribagh addressed to Officer-in-Charge, Lohsingna Police Station, Hazaribagh.

Para-7:- Put up this case on 13th August 2025 as the first case, as this is a case of illegal arrival of the appellant from Bangladesh.

Para-8:- In the meantime, learned counsel for the

State may file necessary affidavit enclosing the copy of S.O.P of Ministry of Home Affairs and steps to be taken regarding the deportation of the appellant and others.”

34. The learned counsel for the State has also filed another counter-affidavit on 14.08.2025 and Para-7 to 12 of the same read as follows:

“Para-7: That it is further stated and submitted that the sentence awarded to the appellant was completed on 27.02 2025 after completion of sentence awarded to him, the appellant namely Najmul Hawaldar (Bangladeshi) was transferred from Central Jail, Dumka to Holding foreigners Camp Hazaribagh on 01.03.2025 for the purpose of repatriation.

(The photocopy of said letter is enclosed as Annexure-A)

Para-8: That it is further stated and submitted that in pursuant to the letter no.659 dated 01.03.2025, the Superintendent, L.J.N. Central Jail Hazaribagh had communicated the same to the Joint Secretary (CPV), Ministry of External Affairs vide letter no.1219 dated 05.03.2025, letter no.1538 dated 24.03.2025 and letter no.2186 dated 27.04.2025 for nationality verification of the Appellant namely Najmul Hawaldar (Bangladeshi) for the purpose of repatriation of the aforesaid Bangladeshi Foreigner.

(The photocopy of said letter is enclosed as Annexure-B)

Para-9: That it is further stated submitted that the

answering respondent received a reply from the Deputy High Commission, Bangladesh vide letter no. BDHC/RP&W-21/2025/282 dated 01.07.2025 for taking necessary action for early repatriation of the present appellant (Bangladeshi).

(The photocopy of said letter is enclosed as Annexure-C)

Para-10: That it further humbly stated and submitted that before the letter, from the Deputy High Commission Bangladesh vide letter no. BDHC/RP&W-21/2025/282 dated 01.07.2025, was received, the appellant along with two other persons (Bangladeshi) fled away from Holding Foreigners Camp, Hazaribagh on 09.06.2025 and later on was apprehended by the concerned authorities. For that an F.I.R was lodged being Lohsighna P.S. Case no.88/2025 u/s 262/3(5) of the BNS and section 14 of Foreigners Act 1946 against the present appellant namely Najmul Hawaldar. Which is sub judice before the leaned court.

(The photocopy of said letter is enclosed as Annexure-D)

Para-11: That it is further most humbly stated and submitted that Section 1(3) of the Bharatiya Nyaya Sanhita, 2023 provides that if any person commits any offence within India, he shall be liable for punishment under Bharatiya Nyaya Sanhita, 2023.

Para-12: That it is further most humbly stated and submitted that as appellant has committed a separate

offence under Bharatiya Nyaya Sanhita, 2023, he shall be liable to be tried and punished within India.”

35. It transpires that the State has filed counter-affidavit on 14.08.2025 through one Raj Kishore Prasad, LRDC, Hazaribagh stating therein that after completion of two years of sentence, the appellant was transferred from Central Jail, Dumka to “Holding Foreigners Camp Hazaribagh” on 01.03.2025 for the purpose of repatriation.

However, in the meantime, the address of the appellant was verified and vide letter dated 05.03.2025, 23.03.2025 and 26.04.2025 the Superintendent, Loknayak Jaiprakash Narayan Central Jail, Hazaribag had informed the Joint Secretary (CPV), Ministry of External Affairs (Annexure-B series to the counter-affidavit) for deputation of the appellant to Bangladesh and in which the address of the appellant Md. Najmul Hawaldar was shown as resident as follows: “Md. Najmul Hawaldar, S/o Inayat Hawaldar, resident of Village- Shantibhanga, PO & PS Morelganj, District- Bagerhat, Khulna Division (Bangladesh)”.

36. Thereafter, vide letter dated 01.07.2025, the communication was received by the Deputy High Commission, Bangladesh that the address of the appellant was verified and had requested for early repatriation of the above Bangladeshi Citizen to Bangladesh after completion of a jail tenure (Annexure-C).

37. It transpires that after receipt of letter, the appellant and two others foreigners namely Rina Khan @ Fina Devi and Nipah Akhtar Khushi, who had fled away from the Foreigners Camp, Hazaribag on 09.06.2025 and later on he alongwith two foreign females, was apprehended by the State Police Officials and the another FIR was lodged bearing Lohsighna P.S. Case No. 88/2025

under Section 262/3(5) of B.N.S and Section 14 of Foreigners Act 1946 (vide Annexure-D).

38. It further transpires that vide order dated 29.08.2025 Mr. Prashant Pallav, then learned DSGI on behalf of the Union of India was directed to appear and file counter-affidavit.

39. Further, on the request of Union of India, the case was adjourned on 11.09.2025 23.09.2025 and 25.09.2025. On 25.09.2025, the counsel for Union of India again took time for filing comprehensive counter-affidavit and the matter was adjourned to 14.10.2025, 11.11.2025, 18.11.2025 and 25.11.2025.

40. Thereafter, in the meantime, Mr. Prashant Pallav, learned counsel appearing on behalf of Union of India- Respondent No.3 has filed counter-affidavit on 14.11.2025 and has taken the stand of Union of India as follows:

“Para-6 (g): That the present appeal came up before the Hon'ble High Court of Jharkhand, Ranchi, the court vide order dated. 29.08.2025, was pleased to implead the Union of India as Respondents and directed the Learned Deputy Solicitor General of India to appear and assist the Hon'ble Court after seeking instruction from the concerned ministry.

Para-6 (h): That pursuant to the said order, the Ministry of Home Affairs (Foreigners-I Division), Government of India, vide communication dated September, 2025 forwarded the relevant documents and record of the case to the Bureau of Immigration and authorized the Foreigners' Regional Registration Office (FRRO), Kolkata to defend the interest of the Union of India on behalf of the Ministry of Home

Affairs before the Hon'ble Court and take necessary action.

(The photocopy of said communication is enclosed as Annexure-A)

Para-i: That as per the Para-4 of the aforesaid communication the deportation/repatriation of the foreigners including nationality verification and issuance of travel documents falls within the purview of the concerned State Governments/Union Territories FRRO/FROS in consultation with the Ministry of External Affairs.

Para-6 (j): That in response to further communication from the FRRO, Kolkata vide letter dated 10.10.2025, reiterated that the deportation of any foreign national will be affected only after the conclusion of all the pending legal proceedings or pursuant to the orders of the Hon'ble High Court.

That the FRRO further stated in their communication that the necessary instruction on deportation/ repatriation procedures as per the MHA guidelines of 2014 and 2019 have been circulated to all the State Governments.

(A copy of letter of FRRO, Kolkata dated 10.10.2025 is enclosed as Annexure-B)

Para-6 (k): That it is submitted that the consolidated instructions the regarding the deportation/repatriation procedures have been communicated to all States/UTs/FRROS vide Ministry of Home Affairs dated 20.04.2014 and

1.07.2019. These guidelines direct that the nationality verification should be initiated immediately upon arrest or filling of FIR against any foreign national to facilitate deportation immediately upon completion of sentence or as ordered by a competent court.

Para-7: That accordingly the Union of India submits that the case of the appellant is being dealt strictly in accordance with the provisions of the guidelines of the Ministry of Home Affairs and no action for deportation and repatriation of the appellant shall be initiated until the conclusion of all the legal proceedings against the present appellant or unless directed otherwise by the Hon'ble Court.”

Hence, this criminal appeal may be dismissed.

41. This Court is surprised to see the stand of the Union of India for allowing the foreign national to remain in Country in the name of completing the procedure.

42. It is evident that the appellant had misused the provisions of the Act and had also tried to flee away from the jail but later on he was apprehended by the authorities and, therefore, for keeping him in jail to conclude his proceeding at the behest of the money of taxpayers providing him food and to furnish him luxury in jail by the State Government is not appreciated by this Court.

43. The law is meant to deliver justice and to take deterrent steps against the foreign nationals who had already been held guilty and has been set for repatriation. There is apparent complete failure on the part of State of Jharkhand, State of West Bengal and one even the Union of India for not sending the appellant and two

others namely Rina Khan @ Fina Devi and Nipah Akhtar Khushi to repatriation even if the appellant had been held guilty and sentenced on 15.06.2024 and completed the sentence on 11.02.2025. The people like appellant are taking food and shelter in this Country at the cost of money of the taxpayers and the poor people of the Country. If they are allowed to remain in jail till conclusion of the trial, they will be burdened not only on the State but also for the society and the entire Country.

44. Therefore, this Court directs that not only the deportation of the appellant and like other people namely Rina Khan @ Fina Devi and Nipah Akhtar Khushi be dealt with expeditiously and at the earliest but also to give message that such latches cannot be tolerated.

45. Let an inquiry be also made against one Rahul and against one Md. Sagar by the Superintendent of Police, Sahibganj who had been named in the FIR and who had helped the accused-appellant in arriving at India or for providing him with a job. As the said persons are running racket for allowing people like appellant from Bangladesh Country to remain in country for the sake of money and they are not even informed the Government Officials/District Administration Officials/Police Officials regarding the identity of the appellant by concealing the facts.

46. At this stage, it is relevant to quote Sections 229 and 375 of Cr.P.C., which read as follows:

Section 229:- Conviction on plea of guilty.-If the accused pleads guilty, the Judge shall record the plea and may, in his discretion, convict him thereon.

Section 375:- No appeal in certain cases when accused pleads guilty.- Notwithstanding anything

contained in Section 374, where an accused person has pleaded guilty and has been convicted on such plea, there shall be no appeal-

- (a) if the conviction is by a High Court; or
- (b) if the conviction is by a Court of Session, Metropolitan Magistrate or Magistrate of the first or second class, except as to the extent or legality of the sentence.

47. At this stage, it is also relevant to quote Sections 252 of B.N.S.S. and 416 of B.N.S.S., which read as follows:

Section 252:- Conviction on plea of guilty.-If the accused pleads guilty, the Judge shall record the plea and may, in his discretion, convict him thereon.

Section 416:- No appeal in certain cases when accused pleads guilty.- Notwithstanding anything in Section 415, where an accused person has pleaded guilty and has been convicted on such plea, there shall be no appeal-

- (a) if the conviction is by a High Court; or
- (b) if the conviction is by a Court of Session or Magistrate of the first or second class, except as to the extent or legality of the sentence.

48. Section 229 of Cr.P.C is *perimeteria* to Section 252 of B.N.S.S. and Section 375 of Cr.P.C is *perimeteria* to Section 416 of B.N.S.S.

49. On the facts and circumstances of this case and also in view of the provision of Section 252 of B.N.S.S., the instant Criminal Appeal filed under Section 415(2) of B.N.S.S. is not maintainable in the light of the provisions of Section 416 of

B.N.S.S. and is fit to be dismissed as the appellant has also pleaded the guilt on 15.06.2024.

50. Accordingly, Cr. Appeal (S.J) No. 341 of 2025 stands dismissed with the direction aforesaid.

51. Let a Judgment of this order be sent to the Chief Secretary, State of Jharkhand, the Home Secretary, State of Jharkhand, the Director General of Police, State of Jharkhand, Deputy Commissioner, Dumka, Superintendent of Police, Dumka, The Chief Secretary, Govt. of West Bengal, The Director General of Police, Govt. of West Bengal, the Secretary/Principal Secretary, Govt. of India, the Secretary/Principal Secretary, Ministry of Home Affairs, Govt. of India and Secretary/Principal Secretary, Ministry of External Affairs, Govt. of India.

If this order is not complied with then this will amount to failure and negligence on the part of the Authorities of State Government as well as Authorities of Union of India and the Court may take serious view for non-compliance of this order.

52. The authorities of the State Government are directed to send the compliance report by 25.11.2026 and which shall be placed before this Court by the office forthwith.

(Sanjay Prasad, J.)

High Court of Jharkhand, Ranchi
RKM/
Dated: 29.09.2026
A.F.R