

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Jay Sengupta

**CRA (SB) 89 of 2026
Tanushree Sarkar @ Putul
Vs.
The State of West Bengal**

For the appellant : Mr. Sachit Talukdar
Mr. Tirtharaj Ghoshal
.....Advocates

For the State : Mr. Arushi Rathore
.....Advocate

Heard lastly on : 12.10.2026

Judgment on : 13.10.2026

Jay Sengupta, J:

1. This is an appeal directed against the judgment and the order of conviction and sentence dated 02.09.2025 and 03.09.2025 passed by the learned Additional District & Sessions Judge, Fast Track Court-I, Bongaon, North 24 parganas in ST Case No.01(09)2025 arising out of

Bongaon PS Case No.302/2025 dated 31.03.2025 thereby convicting the appellant and was commissioned of offence under Section 14A(b) of the Foreigners Act, 1946 and sentencing her to undergoing imprisonment for a term of three years and also to pay a fine of Rs.6,000/- with a default clause.

- 2.** Learned counsel for the appellant submits that in this appeal, the appellant has taken out a plea of juvenility. According to a document submitted before the learned Magistrate, the appellant was a major. However, according to her Bangladeshi passport, it is clear that she was a minor at the time of offence. Under certain circumstances, the appellant had pleaded guilty to the offence. It appears that she has already undergone 1½ years of sentence of imprisonment and, therefore, wants to get repatriated to her own country Bangladesh as early as possible.
- 3.** Learned counsel for the State opposes the appeal and submits that as the appellant had pleaded guilty, there is no question of entering into the merits of the case. The appeal can be heard out only on the question of quantum of sentence imposed. She further submits that as per the report dated 01.10.2026 issued by the Deputy High Commission for the People's Republic of Bangladesh, Kolkata, the present appellant was having a Bangladeshi passport bearing No.A11306165 in which the date of birth appears as 30.12.2007. However, if she wants to get repatriated to her own country, the State

would not have any objection. In such event the Court would consider the sentence of imprisonment.

4. As the appellant had pleaded guilty, any other question raised in the appeal other than the question of sentence can hardly be entertained. In fact, at this stage, it is the principal submission of the appellant that she wants to get repatriated to her own country Bangladesh.
5. The appellant had pleaded guilty, but now wants to go back to her own country. Incidentally, for some reasons, she did not raise the period of juvenility before the trial.
6. It appears that the appellant has already undergone 1½ years in custody out of a total period of sentence of imprisonment of 3 years. No purpose will be served in keeping the appellant in custody for a longer period.
7. Considering the above, the evidence and the other materials on record, the order of conviction is affirmed, but the sentence of imprisonment is reduced to the period already undergone. The appellant shall be released from custody forthwith and shall be repatriated to her own country Bangladesh in accordance with law. The State shall handover the Bangladeshi passport of the appellant to her through the Superintendent of the Correctional Home at the time of her release from custody for the purpose of repatriation. If any articles were apprehended with the appellant at the time of arrest, the same would be returned back in accordance with law.
8. With these observations and directions, the appeal is disposed of.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)