

IN THE COURT OF SHRI GURDEEP SINGH:
METROPOLITAN MAGISTRATE, DELHI

FIR No. 583/97

STATE Vs. HUDSON VILVARAJ

JUDGEMENT

a.	Sl. No. of the case	444/3 of 97
b.	Date of commission of offence	12.9.97
c.	Name of the Complainant	State
d.	Name of the accused, his parentage and address	Hudson Vilvaraj s/o David Natarajan R/o 27, Old Park Road Chundi Kuli, Jaffna Sri Lanka
e.	Offence complained of	U/s 14 of Foreigners Act
f.	Plea of the accused	Pleaded not guilty
g.	Final Order	Convicted
h.	Date of such order	06/05/98

1. BRIEF STATEMENT OF THE REASONS FOR THE DECISION:

The accused Hudson Vilvaraj was sent up for trial by police of PS Paharganj on the allegations that on 12.9.97 at about 5.00 p.m., at Karan Guest House, Paharganj, he was found living at Karan Guest House, Paharganj without any travel document being a Sri Lankan National.

2. The accused was supplied with necessary copies and after finding prima facie offence punishable U/S 14 of Foreigners Act, he was charged to which he pleaded not guilty and claimed trial.

3. The prosecution in support of their case examined one witness, PW.1.SI Venu Gopal who proved the disclosure statement of the accused, Ex.P.W.1/A, seizure memo of register of Guest House Ex.P.W.1/B and arrest memo of accused.Ex.P.W.1/C. The accused moved an application for pleading guilt to the charge. In view his application the prosecution evidence was closed and statement of accused was recorded u/s 281

Cr.P.C. The accused admitted the prosecution case and stated that he was found at Paharganj without any travel document and claimed that he was a refugee at Chennai. However, he chose not to lead any defence evidence.

4. I have heard Id. APP for the State and counsel for the accused. I have also gone through the record.

5. P.W.1 SI Venu Gopal testified that on 13-9-97 he was posted as SI at Operation Cell, New Delhi Range, Lodhi Colony and were checking the hotels at Paharganj. At about 4.30 p.m. they received a secret information regarding the suspicious person staying in Karan Guest House, Ghee Mandi, Paharganj. They found the accused staying in room No.4 and he was a Sri Lankan National. He pretends himself to be an Indian in hotel record. He could not produce the visa or permission to stay in India and any valid document entitling in stay in India. Thereafter, the accused was arrested.

6. During the course of proceeding, the accused claimed that he was having the refugee status and requested for its verification. The verification report was sent by Nepal Singh, Desk officer, Ministry of Home Affairs (Rehabilitation Division) and by report it was confirmed that the accused is a Sri Lankan National and was staying at 7-B, Anna nagar, Subramaniya Puram, Trichy-20.

7. The testimony of P.W.1 has gone unrebutted and prosecution has proved that the accused was found living in the Territory of Union of India without any valid travel document. The accused has also admitted to his statement U/S 281 Cr.P.C. the prosecution case which can be read in favour and against him to find out his guilt and otherwise.

8. Accordingly, the prosecution has proved beyond reasonable doubt the offence punishable U/S 14 of Foreigners Act, against accused Hudson Vilvaraj. He is accordingly convicted.

ANNOUNCED IN THE OPEN COURT ON 06/05/98

(GURDEEP SINGH)
METROPOLITAN MAGISTRATE
DELHI

Hearing on the point of sentence

Present: Ld. APP for the State.
Convict in J/C with counsel.

It is submitted that the convict is a poor person and is living at refugee at Chennai. Therefore, a lenient view is prayed for.

The refugee status does not entitle a person to move about freely in another country and the person is always subject to be laws of the country which has accorded him to refugee status. The accused has clearly committed the offence. However, since he was refugee and in that effect he was not allowed to move about freely without the travel document. He is entitled to a lenient view. Keeping in view the facts and circumstances of the case, I am of the considered opinion that that the ends of justice would be met in sentencing the convict to SI for 6 months and fine of Rs 1000/ In default of payment of fine he shall further undergo 15 days SI. Benefit of Section 428 Cr.P.C be given to the accused. Copy of judgment be given to the accused free of cost. File be consigned to Record Room.

Announced in the open court on 6-5-98.

(Gurdeep Singh)
Metropolitan Magistrate
Delhi