

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE
OF KOZHIKODE

Present:-

Shri M. S. Mohachandran, B. A. , LL. B. ,
Chief Judicial Magistrate.

Dated, the 2nd day of January, 1990
Calendar Case No. 406 of 1996

Complainant	State, represented by Sub Inspector of Police, Kasaba – Cr. 334/96. (By Dy. Director of Prosecutions, Kozhikode.
And	
Accused	Teresi D/o. Michael Marzal, House No. 117, EL Hige, Yasif, Khartoum C/o. Rose Michael, American Embassy, Khartoum, Sudan, P. O. Box No. 699 Address in India: A-126, Lok Vihar, Pitampura, Near Karol Bagh, New Delhi (By Shri K. M. Musthafa, Advocate, Kozhikode)
Offence	U/s 3(2)(a)(c) read with Sec. 14 of the Foreigners Act
Plea	Guilty
Finding	Guilty
Sentence of Order	To under simple Imprisonment for 45 days and also to pay a fine of Rs. 1,000/-, in default of payment of fine to undergo a further period of S. I. for one month

JUDGEMENT

In Crime No. 334/96 of the Kasaba Police Station the accused stands charge-sheeted by the Sub Inspector for the offence under Section 3(2)(a) and (c), punishable under section 14 of the Foreigners Act.

2. The prosecution case is that the accused who is a citizen of Sudan came to India without Passport or Visa, and from Bombay she reached the White Lines Hotel at Kozhikode and remained there. Thus the accused committed the offences under the aforesaid sections.

3. Accused is produced. She is defended by a counsel. Copies of all relevant records supplied to her. Both sides were heard. Charge for the offences under the aforesaid sections framed, read over and explained to the accused. She understood and pleaded guilty. I am satisfied that her plea is voluntary, and so accepted.

4. In the result the accused is found guilty for the offences under section 3(2)(a) and (c) of the Foreigners Act, punishable under section 14 of the above said Act.

Pronounced by me in open court this the 2nd day of January, 1997,

(Sd)

CHIEF JUDICIAL MAGISTRATE

The accused was heard on the question of sentence. She submitted that it was with valid Passport and visa she effected entry to India and is a student of the Quaide Milleth College (Men), Medavakkam, Madras, and so, in the matter of sentence leniency may be shown to her. According to her she missed the Passport and Visa. No such document produced. She produced photocopy of a Certificate dated 24-9-96 issued by the Principal-in-Charge of the Quaide Milleth College for Men, Madavakkam, Madras. The

same is one certifying that the accused Teresa is studying for B. B. M. Final of the above-said College during 1996-1997. Considering these circumstances I am inclined to take a lenient view in the matter of the sentence. The accused is convicted and sentenced to simple Imprisonment for 45 (forty five days and also to pay a fine of Rs 1000/(Rs. One thousand only. In default of payment of fine she will undergo Simple Imprisonment for a further period of one month. She is entitled to get set off as provided under section 428 of the Code of Criminal Procedure. She was under detention for a period of 46 days. Therefore on payment of the fine amount the accused will be released and handed over to Smt. Chinnammu Sivadas, Social Services Officer of the United Nations High Commissioner for Refugees, New Delhi, who is present before court today, and that too, on her application. In case the fine amount is not paid, the accused will be sent to District Jail, Kozhikode, with Committal warrant for the execution of default sentence.

Dated, this the 2nd day of January,1997.

(Sd.)

Chief Judicial Magistrate.