

ORDER SHEET FOR MAGISTRATES' RECORD

District 24 Parganas (S)

In the Court of Ld. A.T.J.M. at Sealdah

G.R. Casm No. 1235 or 1994 (Q1-189 dt. 30/6/94)

T.R. 62/94

State

Versus

Benjamin Zang Nang

U/S 14 F. Act

Order Dated 1/2/96

The record is put up by a petition. Petitioner files a petition praying for passing an order to release the accused and handed him over into the custody of U.N.H.C.R. (United Nations High Commissioner for Refugees) at 14 Jor Bagh, New Delhi with the Police escort party for the reason stated in the petition.

The instant petition has been filed by the Ld. Lawyer for the convict Benjamin Tang Nang praying for releasing him and to hand over him in the custody of U.N.H.C.R New Delhi with Police Escort alleging inter alia that the accused petition was convicted u/s 14 Foreigner's and sentenced to suffer 6 months R.1 & fine of Rs.500.00 i.d. 30 days S.I. The petitioner/convict has already undergone the sentences but still now he is in custody.

Ld. Lawyer appearing on behalf of the convict submits that the convict is a Burmese national and during revolution he fled away and came into Indian territory. He was apprehended by Police and challenged u/s 14 Foreigners Act. He pleaded guilty and accordingly he was convicted by this court. The convict suffered full terms of imprisonment but he could not be set at liberty. If he was pushed back to Burma then he would be shot dead.

So the convict may be handed over to the United Nations High Commissioner for Refugees so that he may be sent to any other country for living there peaceably.

Accordingly Ld. Lawyer prays for releasing the convict and for handing over him into the custody of U.N.H.C.R 14 Jor Bagh, New Delhi through Police Escort Party.

Ld. Lawyer refused the Ruling reported in Civil Rule No. 1847/89 of the Hr. Gauhati High Court Ld. P.O. submits that the matter is administrative in nature. It requires consideration of the Home Secretary, Govt. Of West Bengal.

Heard. Considered.

It appears from the record that on 7/12/94 the accused was convicted and sentenced to 6 months R.I and also to pay fine of Rs.500.00 i.d. go suffer 30 days S.I. It was directed by the court that after the sentenced being served out the convict be pushed back to Burma. Now it appears that the convict is still in Jail though he has served out his period of sentence. I don't know why the order dated 7/12/94 has not been complied with.

The Ld. Lawyer prayed for handing over the convict to U.N.H.C.R. But it is for the Administrative Authority to do the needful in this regard and the court has nothing to do in the said affair.

As such the matter may be referred the Jail authority showing cause as to why the order of the Court dated 7/12/94 has not been complied with by 5/2/96.

Inform the Supdt. P. Jail at once.

With regard the petition of the convict. I would like to say that this court has no jurisdiction to entertain his petition. He may move before the appropriate authority for redress if he is so advised.

Sd/- S. Chakraborty,

Addl. Chief Judl. Magistrate
Pargs (S), Sealdah

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