

IN THE COURT OF ADD. CHIEF METROPOLITAN MAGISTRATE,
37th COURT, ESPLANADE, MUMBAI.

C.C. NO. 427/P/1994.

State (At the instance of S.B.II C.I.D.) ... Complainant
Montasir M. Gubara V/s ... Accused

O R D E R

Accused present with Adv. Sayed Akhtar. Today accused pleads guilty to the charge framed and explained to him u/sec. 7(3) (iii) Foreigners Order r.w. Sec.14 of the Foreigners Act.1946. Plea of accused separately recorded and accepted.

On the quantum of sentence, heard A.P.P. and Advocate for accused. Adv. for accused has produced a certificate from United Nations disclosing accused is allowed to stay in India as refugee till 13.6.97. Hence leniency is shown, as when accused was arrested, he did not possess the requisite certificate.

Accused is convicted u/sec.7(3)(iii) Foreigners' Order r.w. 14 of Foreigners Act, 1946, accused is sentenced to suffer R.I. for 6 weeks and to pay a fine of Rs.500/- i/d to suffer R.I for 2 weeks.

Custody period undergone by accused, set off is given.

Accused to report to S.B.II C.I.D. Commonwealth section from time to time and show the certificate granted from the office of U.N.O. till 13.06.97.

Sd/-
(S.N. CHIMADE)
Addl. Chief Metropolitan Magistrate.
37th Court, Esplande, Mumbai
3.9.96

In Court of Shri Bharat Parashar: MM: Delhi

State V/S Mohd. Yaashin

FIR No.289/97

P.S.: IP State

U/s: 14 F.Act

Judgement: U/s 355 Cr.P.C.

1. SI. No. of the case : 528/2
2. Date of commission of offence : 16.6.97
3. Name of the complainant : State
4. Name of the accused : Mohd.Yaashin
S/o Mohd.Umar
R/o Bhor Khana,
Kabul, Afghanistan

Present Address:
S-264 Part Ist,
Greater
Kailash, New Delhi
5. Offence complained of : U/s14 F.Act,1946,
r/w Sec.420/471 IPC
6. Plea of the accused guilty : Pleaded not
7. Final order : Convicted
8. Date of such order : 1.9.97.

ANNOUNCED IN THE OPEN COURT
TODAY ON 1.9.97

Sd/-
Bharat Parashar
(MM/Delhi)

1.9.97 Present : APP for the state
Accused on bail

Prima facie offence U/s 14 Foreigners Act, 1914 / 420 –IPC and U/S 471 IPC is made out against the accused. Accordingly charge for the offence U/s 14 F. Act, 1914 / 420 –IPC and U/S 471 IPC has been framed against the accused which he plead guilty and prayed for release. I, accordingly hereby hold accused Mohd. Yaasin guilty of the offence U/S 14 F.Act 1914/420/471 –IPC and convict him thereunder.

I have heard the convict and his counsel on the point of sentence. It has been submitted that convict is of age about 43 years and is the soul bread earner of his family comprising of two small children and a wife and aged parents. It has further been submitted that convict has already been granted refugee status by United Nation High Commissioner for refugees. A certificate to that effect has also been placed on record. It has further been submitted that convict has already been in jail for about 2 1/2 months during the course of the trial. A lenient view was thus prayed for.

Convict Mohd. Yaasin, an Afghan National cheated the immigration authorities of India in gaining entry on the basis of a Visa and passport, which subsequently were detected to be forged. The act of the convict is very serious and grave in nature. Still keeping in view the submissions made above and the fact that the on-going civil war in Afghanistan and consequent migration of its residents to neighbouring countries is a matter of common knowledge. The united nations in cooperation with the Govt. of various countries including that of India has been making efforts to rehabilitate migrating Afghan nationals and in pursuance of those efforts they have been granted refugee certificates so that they may be given necessary assistance as and when required.

In view of my aforesaid discussion, I hereby have been taking a lenient view and sentence convict Mohd. Yaasin to the imprisonment already undergone by him and to also pay a fine of Rs.7000/- for the offence U/S 14 F.Act 1914 read with U/S 420 /471 IPC. In default of payment of fine he shall further undergo simple imprisonment for a period of 30 days.

I further direct that after completion of period of sentence and if there is no permission granted to the convict by Govt. of India till then to remain in India any further, he be deported from India as per Law. A copy of this order may be given free of cost to the convict. File be consigned to Record Room.

Sd/-