

IN THE COURT OF RAVINDER DUDEJA, M M, NEW DELHI

In Re Eva Massar Musa Ahmed

FIR No-278/95

U/S 14 Foreigners Act

P. S. K. M. Pur

JUDGEMENT

- a) the serial number of case.
- b) the date of commission of offence: 18-7-95
- c) the name of complainant: S. P. Tyagi F. R. R. O
- d) the name of accused: Miss Eva Masar Musa Ahmed
- e) the offence complained of against accused: S 14 Foreigners Act
- f) the plea of accused: pleaded guilty
- g) the final order: Conviction u/S. 14 Foreigners Act
- h) the date of such order: 26-10-95
- i) Brief statement for reasons of decision

1. The case of persecution is that accused Miss Eva Masar Musa Ahmed is a Sudane National. She entered into India on 20-3-91 at Bombay Airport. On 18-7-95 on enquiry she produced a Sudanese Passport No 038888 which has expired on 28-10-84. She could not produce any residential permit /registration certificate/ stay visa in India valid or any other valid document to prove her stay in Delhi/ India valid. A case u/s 14 Foreigner's Act was registered. Accused was arrested and after investigation charge-sheet u/s 14 Foreigner's Act was filed against her.

2. After due compliance of Section 207 CrPC charge under section 14 Foreigners Act was framed against accused to which she pleaded guilty and did not claim trial.

3. I am satisfied that plea of guilt made by accused is voluntary and has been made without any pressure or coercion. Accordingly I hold her guilty u/s 14 Foreigner's Act and convict her.

4. I have heard learned defence counsel on the point of quantum of sentence. It is submitted that convict has fled persecution from her country of origin which is presently embroiled in civil and ethnic war. The convict had been tortured and was gang raped by rival ethnic and fundamentalist groups as she had converted from Islam to Christianity. It is submitted that convict had to take a temporary refuge in India as her life was in jeopardy. Convict has already been granted a status of refugee by UNHCR and her application has been accepted for resettlement to Canada as a refugee under the women at Risk Programme. It is prayed, that sympathetic view be taken against accused. The offence committed by convict is grave in nature. However keeping in view the peculiar circumstances under which the offence has been committed, I am of the view that a lenient view is warranted. The accused has spent almost ten days in custody I therefore sentence the convict with imprisonment already undergone by her in custody & in addition to this sentence, I impose a fine of Rs 2500/ U/s14 Foreigner's Act in default of payment of which convict shall undergo S. I for 3 days. Copy of judgment be given to the convict free of cost. File be consigned to R. R.

Announced in open court on 26-10-95.

Ravinder Dudeja  
MM New Delhi

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Pr: None for state

Accused on bail with counsel

Accused has moved an application for pleading guilty through her counsel. She has pleaded guilty to the charge u/s 14 Foreigner's Act framed against her.

I am satisfied that accused has pleaded guilty voluntarily without any fear or coercion.

Heard

Vide separate judgement, accused is convicted u/s14 Foreigner's Act & is sentenced to imprisonment already undergone by her in custody during the course of investigation and trial & a fine of Rs 25000/ in default of payment of which accused shall undergo S. I. for 3 more days.

File be consigned to R. R.

Sd/-