



2025:AHC:223623

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3479 of 2024

Rashida Begum

.....Revisionist(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Mohammad Danish
Counsel for Opposite Party(s)	:	G.A., R.P.S. Chauhan

Court No. - 87

HON'BLE ANIL KUMAR-X, J.

1. This criminal revision has been filed by the revisionist, Rashida Begum, against the judgment and order dated 22.05.2024 passed by the Additional Sessions Judge (Fast Track Court No. 1), Maharajganj, whereby she was convicted for the offence under Section 14-A of the Foreigners Act, 1946, and sentenced to two years' imprisonment along with a fine of Rs. 10,000/-. In default of payment of fine, she was directed to undergo an additional imprisonment of two months. However, the revisionist was acquitted of the charges under Sections 420, 467, 468 and 471 of the IPC. In the impugned order, it was also mentioned that after completion of her sentence, she shall be deported to her country, Burma (Myanmar), as per rules.

2. Learned counsel for the revisionist submits that the challenge in this revision is confined only to paragraph no. 34 of the impugned judgment dated 22.05.2024, wherein the learned trial court has directed the concerned authorities to deport the revisionist, allegedly a citizen of Myanmar. It is further submitted that the learned trial court had no jurisdiction to issue such a direction, particularly when the revisionist holds valid identity documents which establish her to be an Indian citizen.

3. Learned Additional Government Advocate has opposed the prayer and submits that there is no illegality in the impugned

judgment. The trial court has merely observed that after completion of the sentence, the revisionist may be deported to her country as per rules. No specific or mandatory direction has been issued to the authorities for deportation; hence, the revision lacks merit and is liable to be dismissed.

4. Heard learned counsel for the revisionist, Shri R.K. Singh, learned Additional Government Advocate, and Shri R.P.S. Chauhan, learned counsel for opposite party no. 2 (Union of India), and perused the judgment dated 22.05.2024. The learned trial court in paragraph no. 34 has held as under:

“34—आदेश की प्रति पुलिस अधीक्षक, महाराजगंज को इस निर्देश के साथ प्रेषित हो कि जैसे ही अभियुक्ता की दण्ड की अवधि पूरी हो जाय, उसे नियमानुसार उसके देश बर्मा (म्यांमार) प्रत्यर्पित करने की कार्यवाही करना सुनिश्चित करे। अभियुक्ता के कब्जे से बरामद आधार कार्ड, यूएनएचसीआर कार्ड व अन्य वस्तुएं जिनका अपराध से कोई सम्बन्ध नहीं है, उसे वापस दे दिया जाय। निर्णय की एक प्रति अभियुक्ता को तत्काल निःशुल्क उपलब्ध करायी जाय।”

5. From a perusal of the above observation, it is apparent that the learned trial court has not issued a mandatory direction requiring the authorities to deport the revisionist to Myanmar. It has merely directed that necessary action be taken as per rules. The direction to proceed in accordance with rules itself demonstrates that the court did not intend to compel the revisionist's deportation, but only left it to the competent authorities to act in accordance with applicable law.

6. Accordingly, the criminal revision is dismissed.

December 12, 2025

Sumaira

(Anil Kumar-X,J.)