

SUPREME COURT OF INDIA

Mahamudul Hassan

Vs.

Union of India

(Markandey Katju J.)

Writ Petition (Crl.) No. 109 of 2010

08.10.2010

ORDER

1. Heard learned counsel for the petitioner.
2. This is a petition under Article 32 of the Constitution making various prayers.
3. Petitioner, who is a Bangladesh national, has been convicted by the Additional Sessions Judge, Dakshin Dinajpur at Balurghat, West Bengal under the Foreigners Act for illegally entering India and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rupees ten thousand. In our opinion, if the petitioner has a grievance against that judgment, he has a right of appeal to the High Court on the judicial side. He can also approach the concerned executive authority under Section 432 Cr.P.C. or to the Governor under Article 161 of the Constitution of India. This is a judicial Court and hence this Court has no power which the executive has under Section 432 Cr.P.C or which the Governor has under Article 161 of the Constitution.
4. With these observations, the Writ Petition is dismissed.