

NIA CASE NO.06 OF 2022
(CNR - WBCS01-001119-2022)
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta.
Cum Special Judge, Under NIA Act
City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order no.98 dated 18.05.2024

To-day is fixed for submission of report by the I.O. of this case with regard to return of Rs.1, 73,000/- and the documents to the petitioner namely Ansari Begum and hearing of the petition dated 09.05.2024 filed on behalf of the petitioner namely Ansari Begum.

Ld. Special P.P. of NIA and the Ld. Counsel for petitioner namely Ansari Begum are present.

DSP, NIA, BO, Kolkata has filed one report through Ld. Special P.P. of NIA in compliance with the order no.97 dated 09.05.2024 passed by this Court stating that the cash amount of Rs.1, 73,000/- and other personnel belongings seized from the house of Md. Irshad @ Ershad @ Tipu as per search list 04.01.2023 were not relied upon by the prosecution while filing the charge sheet and so the Prosecution has no objection for returning the amount of Rs.1,73,000/- along with personnel belongings to Md. Irshad @ Ershad @ Tipu.

DSP, NIA, BO, Kolkata has prayed before this court by its report filed today that date for return of the said cash and other personnel belongings of Md. Irshad @ Ershad @ Tipu be fixed on 11.06.2024 when the accused persons namely Md. Sahabuddin Siddique and Zakir Hossain will come before this Court to collect their belongings and also prayed for passing necessary direction upon the petitioner viz. Ansari Begum @ Anwari Begum wife of Md. Alim Khan @ Alam Khan @ Md. Amin to remain present along with her son namely Md. Irshad @ Ershad @ Tipu on the date fixed i.e. on 11.06.2024 for acknowledgment of receipt of the cash and other belongings.

Let the same be kept with the record.

The petition dated 09.05.2024 filed on behalf of the petitioner namely Ansari Begum is now taken up for hearing together with the report filed today by the DSP, NIA, BO, Kolkata through Ld. Special P.P. of NIA.

Ld. Counsel for Ansari Begum submits that during investigation a sum of Rs.1 lac 73 thousand only and some documents were seized by the NIA from her house and it is now prayed that the said house was locked after search on 04.01.2023 due to non availability of any occupant and the said house was not attached in the instant case and the possession of the house can be handed over to the rightful owners, therefore Ld. Counsel prays for returning the sum of Rs.1,73,000/- and the documents to the petitioner namely Ansari Begum.

Ld. Special P.P. of NIA submits that NIA has no objection if the cash amount of Rs. 1,73,000/- (Rupees One Lakh Seventy Thousand only) and other personnel belongings seized

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Continued order no.98 dated 18.05.2024

from the house of Md. Irshad @ Ershad @ Tipu as per search list 04.01.2023 are returned to the petitioner namely Ansari Begum as the same is not required for the purpose of investigation and the cash and documents seized from that house can be handed over to the rightful owners.

Heard both sides.

Perused the report dated 18.05.2024 filed on behalf of the Prosecution and it is explicit from the report that the Prosecution has no objection with regard to returning the cash amount of Rs.1, 73,000/- (Rupees One Lakh Seventy Thousand only) and other personnel belongings seized from the house of Md. Irshad @ Ershad @ Tipu as per search list 04.01.2023 to the petitioner namely Ansari Begum wife of Md.Alim Khan @ Alam Khan @ Md.Amin who shall remain present along with her son Md.Irshad @ Tipu@ Ersad.

In view of such submission of the Ld. Special P.P. on behalf of the Prosecution/NIA and upon considering the report of the DSP, NIA, BO, Kolkata filed today, this Court is of considered view that the prosecution should be given liberty to hand over the cash amount of Rs.1, 73,000/- (Rupees One Lakh Seventy Thousand only) and other personnel belongings seized from the house of Md. Irshad @ Ershad @ Tipu as per search list 04.01.2023 to the petitioner namely Ansari Begum on furnishing a PR bond of Rs.03(three) Lakh with a direction upon the petitioner namely Ansari Begum not to change the nature and character of those articles with a further direction to produce those articles before this Court as and when called for.

Prosecution/NIA is given liberty to bring the Court Exhibit Box containing the personnel belongings seized from the house of Md. Irshad @ Ershad @ Tipu as per search list 04.01.2023 before this Court from the NIA Malkhana on 11.06.2024 and after returning the personnel belongings of the petitioner namely Ansari Begum seized as per search list 04.01.2023, the Exhibit Box be locked again and the key of the same be returned to the Court thereafter. Such exercise is to be carried out in presence of NIA officials. The documents are to be returned only after a certified copy of the same is kept with the record.

A List of articles returned to the petitioner Ansari Begum wife of Md.Alim Khan @ Alam Khan @ Md.Amin and to her son Md.Irshad @ Tipu@ Erasad be submitted before this Court after submitting acknowledgement receipt. The cash amount of Rs. 1,73,000/-be returned to the rightful owner by a demand draft/ Cheque after acknowledgement of receipt from the rightful owner.

I.O. is also directed to submit a report of compliance on the next date fixed.

To-date i.e. on **11.06.2024** for bringing the Court Exhibit Box containing the personal belongings/articles (as per list enclosed with the report of Prosecution) before this Court from the NIA Malkhana for handing over the personal belongings/articles to the accused persons (A-3) Md. Sahabuddin Siddique,(A-10) Zakir Hossain and also Ansari Begum wife of Md.Alim Khan @ Alam Khan @ Md.Amin along with her son Md.Irshad @ Tipu@ Erasad in compliance with the order no.92 dated 12.03.2024 passed by this Court and in compliance of order no.83 dated 05.12.2023 passed by this Court.

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To-date i.e. **11.06.2024** for appearance of the accused persons and consideration of charge

Let a copy of this order be sent to the I.O of this case through Ld. Special P.P. of NIA for information and necessary action.

D/C by me

Sd./-

Chief Judge,
City Sessions Court, Calcutta
Cum Judge Special Court, Calcutta
Under NIA Act.

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