

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.87 dated 31.01.2024

To-day is fixed for appearance of the accused persons, inspection of the documents supplied to the accused persons u/s 207 of the Cr. P.C. in the meantime, hearing of the petition dated 05.12.2023 filed on behalf of the accused person namely **(A-10) Zakir Hossain** regarding return of the seized articles and submission of report by the Prosecution/NIA with regard to the petition dated 05.12.2023 and also submission of report by the Prosecution/NIA in respect of the petition dated 11.12.2023 filed on behalf of one Anwari Begum praying for calling for a report with regard to locking the house of the petitioner.

The accused persons namely **Ohab Hossain @ Vicky** and **Md. Faiyaz** have been produced from J.C.

The Accused nos.(A-1) **Md. Fakruddin Siddique @ Fakru**, (A-2) **Md. Salauddin Siddique**, (A-3) **Md. Sahabuddin Siddique**, (A-4) **Idul Siddique**, (A-5) **Mohammad Ziauddin**, (A-8) **Gholam Md. Izhar @ Izhar**, (A-9) **Mustafa Hussain @ Sharafat @ Sharafat Ali**, (A-10) **Zakir Hossain**, (A-12) **Md. Zeeshan Akbar**, (A-14) **Sunny @ Nazish Ahmed**, (A-15) **Raja @ Raju Ahmed @ Misbahuddin Ahmed** and (A-16) **Imamul Haque @ Inam** on Court Bail are present in Court by filing haziras.

Ld. Special P.P. of NIA and Ld. Counsels for the accused persons are present.

No report with regard Death of the accused person no.(A-6) **Badrul Hossain @ Dabbu** has yet been submitted by the Prosecution/NIA in terms of order no.83 dated 05.12.2023 passed by this Court.

In view of such fact, Prosecution/NIA is directed to submit a report with regard to the Death of the accused person no.(A-6) **Badrul Hossain @ Dabbu** by the next date fixed positively.

A petition has been filed on behalf of the accused no.(A-10) **Zakir Hossain** stating that the charge sheet is voluminous in nature and the above named accused person is not well and as such the Ld. Counsel has not been able to inspect the voluminous documents and therefore it is prayed for some more time for inspection of those voluminous document of the charge sheet relied upon by the prosecution.

Heard both sides on the point of adjournment.

Prayer for adjournment is considered and allowed for the ends of fair trial.

One report along with a photocopy of Personal Search Memorandum dated 03.05.2023 has been filed on behalf of the Prosecution/NIA in terms of order no.86 dated 18.12.2023 passed by this Court in respect of the petition dated 05.12.2023 filed on behalf of the accused person namely (A-10) **Zakir Hossain** regarding return of the seized articles and also in respect of the petition dated 11.12.2023 filed on behalf of one Anwari Begum praying for calling for a report with regard to locking the house of the petitioner.

Perused the same and let the same be kept with the record.

The petition dated 05.12.2023 filed on behalf of the accused person namely (A-10) **Zakir Hossain** regarding return of the seized articles and the petition dated 11.12.2023 filed on behalf of one petitioner **Anwari Begum** praying for calling for a report with regard to locking the house of the petitioner are taken up for hearing together with the report submitted today on behalf of the Prosecution of NIA.

The Dy./SP/AIO, NIA, B.O., Kolkata has stated in the report dated 31.01.2024 that the personal belongings/articles of charge sheeted accused persons namely Zakir Hossain son of Md. Hossain and suspect Md. Irshad @ Tipu son of Md. Amin were seized by the NIA vide seizure list dated 04.01.2023 and 03.05.2023 respectively and the house of Md. Irshad @ Tipu son of Md. Amin was locked after search as no one was present at the house.

The Dy./SP/AIO, NIA, B.O., Kolkata has stated further stated that accused person namely Zakir Hossain was charge sheeted by the NIA vide charge sheet no.03/2023 dated 07.01.2023, but the suspect Md. Irshad @ Tipu son of Md. Amin did not turn up to join the investigation after issuance of notice u/s 160 of Cr. P.C.

The Dy./SP/AIO, NIA, B.O., Kolkata has stated further stated in his report that personal belongings/articles (as per the list enclosed) of the accused person namely Zakir Hossain are kept in the Court Exhibit Box and the personal belongings of the accused person namely Zakir Hossain have not been cited in the charge sheet and are not required for trial.

The Dy./SP/AIO, NIA, B.O., Kolkata has stated further stated in his report that the house of Md. Irshad @ Tipu son of Md. Amin was locked after search on 04.01.2023 due to non availability of any house 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 owner after proper verification and therefore it is prayed for passing necessary order in the interest of the investigation.

Heard both sides.

Ld. P.P. for the NIA submits that NIA has no objection if the house is handed over to the rightful owner and necessary order may be passed by this Court in this regard upon the I.O. of this case.

On perusal of the report submitted today and also the photocopy of Personal Search Memorandum dated 03.05.2023, it transpires that there is a description of the documents/articles/electronic gadgets seized by the Prosecution/NIA, but nothing has been made clear in the report submitted today as to what personal belongings/articles the Prosecution is inclined to return to the accused person namely Zakir Hossain and do not want to rely upon during the evidence to prove their case. It is also not clear from the report as to what personal belongings/articles are required are required to be relied upon by the Prosecution/NIA for the purpose of exhibiting the same during the trial of this case.

I am of the view that the reported dated 31.01.2024 is not specific and does not clearly indicate the articles which the prosecution has no objection to return to the accused person.

In view of such fact, Prosecution/NIA is further directed to submit a detailed report afresh as to what personal belongings/articles of the accused Zakir Hossain the Prosecution intends to return to the accused person namely Zakir Hossain and is not required during the trial and also specifically state in its report regarding the articles which cannot be returned as the Prosecution is inclined to rely upon to prove the Prosecution case by the next date fixed.

From the petition dated 11.12.2023 filed on behalf of one Anwari Begum, it is found that the petitioner namely Anwari Begum stated that the house situated at 39D, Ekbalpur Lane, Kolkata-700023 was locked by the Investigation Agency and some documents, key of her house and a sum of Rs.1,73,000/- was seized and it was prayed for an order for calling for a report.

From the report submitted today by the Prosecution it transpires that the house of Md. Irshad @ Tipu son of Md. Amin was locked after search on 04.01.2023 due to non availability of any house 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 owner after proper verification and nothing has been stated in the report about the seizure of some documents and a sum of Rs.1,73,000/-.

In view of such fact, Prosecution/NIA is at liberty to hand over the house to the rightful owner after proper verification of the title deeds and other documents with regard to the ownership of the said house.

I.O. is directed to file a compliance report regarding verification of the title deeds and other documents with regard to the ownership of the house prior to handing over the house to the rightful owner of the property.

No report is submitted by the I.O. in respect of the petition dated 24.07.2023 for returning of seized articles in respect of Accused (A-3) namely Sahabuddin Siddique.

Ld. Spl. P.P of NIA submits that the report could not be made ready on this date and prays for some time for submitting a detailed report with regard to the return of the seized articles of the accused (A-3) namely Sahabuddin Siddique.

Ld. Counsel for the accused (A-3) namely Sahabuddin Siddique is directed to serve a copy of the petition dated 24.07.2023 praying for returning of the seized articles to the I.O of this case through Ld. Spl. P.P for necessary compliance by the next date fixed.

I make it clear that the I.O after receiving the petition dated 24.07.2023 of the (A-3) namely Sahabuddin Siddique shall specify in his report as to which articles prosecution wants to rely upon and exhibit before the court during evidence and which articles the prosecution has no objection for returning to the accused person.

Fix **13.02.2024** for hearing of the petition dated 05.12.2023 filed on behalf of the accused person namely (A-10) **Zakir Hossain** regarding return of the seized articles and submission of further detailed report by the Prosecution/NIA with regard to petition dated 24.07.2023 filed by accused (A-3) namely **Sahabuddin Siddique** and also for submission of detailed report by the Prosecution/NIA in respect of the petition dated 05.12.2023 filed on behalf of the accused person namely (A-10) **Zakir Hossain**.

Fix **29.02.2024** for production of the accused persons namely **Ohab Hossain @ Vicky** and **Md. Faiyaz** from J.C.

To-date i.e. **29.02.2024** for appearance of the accused persons, inspection of the documents supplied to the accused persons u/s 207 of the Cr. P.C. in the meantime and submission of report with regard to the Death of the accused person no.(A-6) **Badrul Hossain @ Dabbu**.

The accused persons who are on Court Bail are as before.

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.

Sd/-

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City Sessions Court, Calcutta.
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