

Spl(A) Case No. 08 of 2023
CNR -WBBB01-002525-2023
JO-WB00702

Order no. & date
8/ 13.09.2023

Perused the materials on record, the case diary including the charge sheet. After completion of the investigation, the charge sheet has been submitted by Sri Swapan Kumar Chakraborty, Dy. Superintendent of Police, DEB, Birbhum vide charge sheet no. 101/2023 dated 29.08.2023 against 4 (four) accused persons namely Sri Bidyut Chakraborty, Dr. Tanmoy Nag, Smt. Mahua Banerjee and Sri Prasanta Kumar Ghosh u/s 341/500/120B/341 of IPC read with section 3 (i)(r) (p)(s) of SC & ST (POA) Act.

The charge sheet is hereby accepted.

Cognizance is taken.

Heard Ld. Special P.P.

Perused the order passed by the Hon'ble High Court dated 17.07.2023 in connection with CRR No. 2599 of 2023 (Professor Bidyut Kanta Chakraborty & Others versus State of West Bengal and another). The operative portion of the order is as follows :-

“Having considered the same, I am of the opinion that the investigation of the case be continued, however no coercive steps be taken against the present petitioners namely, Professor Bidyut Chakraborty, Mahua Banerjee and Dr. Tanmay Nag.

State is directed to produce the case diary on the next date fixed for hearing. Petitioners is directed to effect service upon the State through the office of the learned Public Prosecutor, High Court, Calcutta.

List this revisional application on 27th September, 2023 under the heard “Contested Application”.

The interim order would continue till 3rd October,2023.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this Court”.

In view of the letter and spirit of the order of the Hon'ble High Court, issue notice upon the accused persons namely (1) Sri Bidyut Chakraborty (2) Dr. Tanmoy Nag (3) Smt. Mahua Banerjee with a direction to appear before this Court on 13.10.2023 sharp at 10:30 am.

So far as the accused no. (4) namely Sri Prasanta Kumar Ghosh is concerned the Investigating Officer, in short (the I.O.) of this case prayed for issuing W/A & W. P & A against him showing him as an absconder.

Pursuant to the decisions of our Hon'ble Apex Court reported in **Inder Mohan Goswami v. State of Uttaranchal (2007) 12 SCC 1 (Para 31-32)** and the said principle has been reiterated in **Satender Kumar Antil v. Central Bureau of Investigation and another (2022) live law (SC) 577**, issue notice upon accused no. 4 namely Sri Prasanta Kumar Ghosh with a direction to appear before this Court positively on 13.10.2023 at 10:30 am. Accordingly, the prayer of the I.O. in respect of praying for W/A & W. P & A stands rejected.

B.C.- II is directed to comply the order at once.

Dictated & Corrected

Judge, Special Court,
under SC & ST (POA) Act,
Suri, Birbhum.