

In the Court of Additional Sessions Judge, 1st Court, Bankura and Judge, Special Court under the Prevention of Corruption Act

Present: Smt. M. Karmakar, Judge, Special Court under the Prevention of Corruption Act cum ASJ, 1th Court, Bankura

Special Case: 39 of 2021 (Reg 39/21)
CNR No. WBBK01-002142-2021

Order No. 25,
28.06.2022

All 3 accused persons namely Shyama Prasad Mukherjee, Dilip Kumar Gorai and Ram Sankar Mahanty @ Khokan are produced from J/C.

Today, is fixed for consideration of charge against the said accused persons.

The case record is taken up for consideration of charge.

Perused the case record including charge sheets.

Heard the Ld. P.P in-charge and Ld. Defence counsels.

On careful perusal of the materials on record, prima-facie, it appears that there are grounds to frame charge against the accused persons for committing the offence punishable under sections 406/409/420/ 465/ 467/ 468/ 471/120B/34 of the Indian Penal Code, under sections 8/ 9/ 13(1) of the Prevention of Corruption Act, 1988 and under section 66D of Information & Technology Act.

Accordingly, charge is framed against the accused persons for committing the offence punishable under sections **406/409/420/ 465/ 467/ 468/ 471/120B/34 of the Indian Penal Code, under sections 8/ 9/ 13(1) of the Prevention of Corruption Act, 1988 and under section 66D of Information & Technology Act.** in a separate sheet which is kept with the case record.

The Contents of charge is read over and explained to the accused persons. On being asked they have pleaded not guilty by saying in Bengali, “amra nirdosh” and have claimed to be tried.

Note it in the register accordingly.

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Today, is fixed for filing of receipt regarding deposit of costs to break open the lockers being nos. 135, 1028, B-5 and also filing of copy of G.D.E by the I.O.

I.O is present along with report in which it is stated that notices were served upon the joint holders of the locker nos.185, 1028 and B-5 of Bishnupur Town Co-operative Bank, Bishnupur Branch and directed them to deposit the charges to break open the concerned lockers. It appears from the report of the bank manager dated 02.06.2022 that locker number of the holders-Shyama Prasad Mukherjee and Archana Mukherjee is 185 instead of 135.

It is also stated in the report of the I.O that Archana Mukherjee and Subha Mukherjee, co-holders of lockers with Shyama Prasad Mukherjee (lockers Nos. 185 and 1028) made general diary at Bishnupur P.S District Bankura vide G.D.E no. 988 and 987 both dated 18.06.2022. I.O has filed photocopies of G.D.E No. 988 and 987 and prays for filing extract copies of G.D.E of the locker holders.

Chandan Das (co-holder of locker no. B-5 with the accused Ram Sankar Mahanty) is personally present before the court and has stated that he lodged G.D.E at Bishnupur P.S.

The I.O has stated in the report that none of the locker holders deposited any amount towards the charges for breaking open the bank lockers.

All the locker holders are present before the court and they have stated that due to financial problem they could not deposit the charges for breaking open the bank lockers. All the locker holders including the accuseds-Shyama Prasad Mukherjee and Ram Sankar Mahanty have stated that they have no objection if their respective lockers are break opened.

As per report dated 02.06.2022 of the Manager of Bishnupur Town Co-operative Bank, Bishnupur Branch, General Diaries regarding missing of keys are required to be submitted.

I.O is directed to submit the copy of General Diaries before the Manager of Bishnupur Town Co-operative Bank, Bishnupur Branch.

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Ld. P.P in-charge has submitted that the bank lockers are required to be break opened for the interest of investigation. Accordingly, I.O is also directed to file a report of Bank Manager of Bishnupur Town Co-operative Bank, Bishnupur Branch regarding the procedure of breaking open the bank lockers in the event of non deposit of charges for breaking open the lockers.

Today, is also fixed for filing the original bed head ticket of accused-Shyama Prasad Mukherjee with detail report regarding his ailments and the treatment provided to him.

Superintendent of District Correctional Home, Bankura is personally present. He has filed letter of Medical Superintendent cum Vice Principal B.S.M.C.H, Bankura and photocopy of discharge certificate of accused-Shyama Prasad Mukherjee. He has not filed the medical documents regarding treatment of the accused-Shyama Prasad Mukherjee. He has submitted that he would produce the said documents on tomorrow i.e. on 29.06.2022.

03 petitions have been filed by Ld. Advocate representing the accused-Shyama Prasad Mukherjee.

To 20.07.2022 for

1. production of all three accused persons and evidence of CSW- 1,
2. Filing of report of Bank Manager of Bishnupur Town Co-operative Bank, Bishnupur Branch by the I.O regarding procedure of breaking open the bank lockers.
3. Filing extract copies of G.D.E of the locker holders by the I.O.
4. Hearing of 03 petitions dated 28.06.2022 filed by Ld. Defence counsel.

Let a copy of this order be sent to Abhijit Bhattacharyya, Dy. SP DEB, Bankura, I.O of this case for the convenience of compliance of the order.

Dictated & Corrected

Sd/-

ASJ, 1st Court, Bankura

Sd/-
Judge, Special Court
{Under Prevention of Corruption Act}
Cum
Additional Sessions Judge
1st Court, Bankura