

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. 31,
06.09.2022

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

Ld. Advocate representing the accuseds-Shyama Prasad Mukherjee and Ram Sankar Mahanty @ Khokan and, Ld. Advocate representing the accused- Dilip Kumar Gorai are present.

Ld. P.P in-charge-Amiya Kumar Chakraborty has filed hazira.

I.O of the case is also found present.

Today, is fixed for evidence of CSW- 1.

No witness has turned up as no summons was issued.

Today, is also fixed for 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.

No such report has yet been received.

Today, is also fixed for hearing of 03 petitions dated all 28.06.2022 filed by Ld. Defence counsel on behalf of the accused- Shyama Prasad Mukherjee.

Heard Ld. Advocate and Ld. P.P in-charge in respect of the said 03 petitions. Out of 03 petitions in one petition it is stated that on 04.06.2022 Ld. Advocates were permitted to inspect documents for merely 30 minutes which was not sufficient to inspect voluminous documents. Under such circumstances Ld. Advocate prays for inspection of the voluminous documents relied and/ or not relied upon by the prosecution for more than one occasion as may be necessary for the defence. Ld. Advocate also prays for supplying such voluminous documents relied and/ or not relied upon by the prosecution at the cost of the petitioner/accused.

By filing of another petition Ld. Advocate representing accused-Shyama Prasad Mukherjee prays for supplying the accused/petitioner with statements of witnesses recorded u/s 161 and u/s 164 of the Cr.P.C and a list of documents, material objects and exhibits seized during investigation

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and relied upon by the investigating officer in accordance with section 207 and 208 of the Cr.P.C and also supplying of list of statements, documents, materials objects, exhibits which are not relied upon by the investigating officer.

It appears from the case record vide order no. 21 dated 01.06.2022 that Ld. Advocate representing the accused-Shyama Prasad Mukherjee filed one petition for supplying of the documents which, according to Ld. Advocate, were required at the time of consideration of charge. Ld. Advocate specifically mentioned the documents in the said petition. As a huge number of documents were sought for supplying to the concerned Ld. Advocate, Ld. P.P in-charge filed a petition for fixing a separate date for supply of documents and inspection of voluminous documents.

14.06.2022 was fixed for next date of hearing of the case but in the meantime 04.06.2022 was fixed for supply of documents mentioned in the petition and inspection of voluminous documents. On 04.06.2022 in presence of Ld. P.P in-charge and I.O of the case, all the documents mentioned in the petition filed on behalf of accused-Shyama Prasad Mukherjee have been supplied to Ld. Advocate and voluminous documents were inspected by Ld. Advocate in open court. In this regard Ld. Advocate has filed a petition mentioning therein the list of documents supplied to them and also inspected by them.

As all the documents as per their requirements were supplied and the voluminous documents inspected by them the self same petition need not be considered again. Hence, the two petitions both dated 28.06.2022 filed by Ld. Defence counsel on behalf of the accused- Shyama Prasad Mukherjee stand rejected. However, Ld. Advocate will be at liberty to inspect the documents on which the prosecution will rely to establish the case against the accused persons.

By filing the 3rd petition Ld. Advocate representing the accused-Shyama Prasad Mukherjee has prayed for supplying to the Ld. advocate the medical documents relating to the treatment of the accused- Shyama Prasad Mukherjee after his arrest.

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Heard both sides. Perused the case record as well as the order of the Hon'ble High Court, Calcutta dated 15.06.2022 in connection with CRM(DB) 1731 of 2022 " ... needless to mention medical documents relating to the treatment of the petitioner be available to his relations".

Superintendent of District Correctional Home, Bankura is directed to comply the order of the Hon'ble High Court, Calcutta.

Let a copy of this order as well as the order of the Hon'ble High Court, Calcutta being no. CRM(DB) 1731 of 2022 dated 15.06.2022 be sent to the Superintendent of District Correctional Home, Bankura for compliance.

To 10.11.2022 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.

Issue summons.

Prosecution to take step for brining witness.

Let a copy of this order be sent to the I.O of this case for the convenience of compliance of the order.

Ld. P.P in-charge-Amiya Kumar Chakraborty along with I.O of this case and Ld. Defence counsels will be ready for hearing on the date fixed at 11.30 a.m.

Dictated & Corrected

Sd/-

ASJ, 1st Court, Bankura

Sd/-

Judge, Special Court
{Under Prevention of Corruption Act}

Cum

Additional Sessions Judge

1st Court, Bankura