

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. 16,
28.04.2022

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

Ld. Advocates for the accused persons and Ld. P.P- Arun Kumar Chatterjee are present.

Today, is also fixed for consideration of charge. The case record is taken up for consideration of charge. At this stage Ld. Advocate representing the accused Dilip Kumar Gorai has filed a petition praying for adjournment with a prayer for filing of a petition for discharge of the accused person on the ground stated in the petition.

It reveals from the order sheet vide order no. 13 dated 05.04.2022, order no. 14 dated 19.04.2022 and order No. 15 dated 25.04.2022, while the case record was taken up for framing of charge, Ld. Advocate for the accused persons namely Dilip Kumar Goari and Ram Sankar Mahanty @ Khokan remained ready for hearing but due to non production of the accused-Shyama Prasad Mukherjee charge could not be framed. Today, on production of the accused-Shyama Prasad Mukherjee the case record is taken up for consideration of charge but at this juncture one petition, praying for adjournment on the ground of non receipt of copies of documents, has been filed on behalf of the accused- Dilip Kumar Gorai.

Ld. Advocate for the accused-Shyama Prasad Mukherjee submits that copies of some documents were not received either by the accused or by him on behalf of the accused but no petition has yet been filed in this regard on behalf of the accused-Shyama Prasad Mukherjee and Ld. Advocate has verbally submitted that the petition u/s 207 of the Cr.P.C would be filed by him after filing of final charge sheet by the I.O of the case.

Date of the case was fixed for consideration of charge after filing of supplementary charge sheet being no. 1 of 2022 dated 18.04.2022.

Ld. Advocate for the accused-Shyama Prasad Mukherjee has submitted that charge cannot be framed at this stage as I.O of this case has

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mentioned in the supplementary charge sheet being no. 1 of 2022 dated 18.04.2022 that another supplementary charge sheet may be submitted in this case. Ld. Advocate has further submitted that after completion of investigation finally and after submission of charge sheet finally he will submit a petition regarding supply of copies of documents and until he receives the copies of the documents, charge cannot be framed. Under the above circumstances charge can not be framed today.

A sessions case is committed after compliance of the provisions regarding supply of copies of documents. Accused persons or Ld. Advocates representing the accused persons did not ventilate the grievance before the Ld. C.J.M, Bankura at the time of commitment of the case that they were not served with copies of all documents. Moreso, it reflects from the order dated 20.11.2021 of the L.C.R that Ld. Court order to supply copies of documents and accordingly copies of documents were served upon the accused persons. Ld. Advocate received copies thereof with an endorsement on the case record without having any objection.

Ld. Advocate representing the accused-Shyama Prasad Mukheree has submitted verbally that he could file a petition u/s 207 of the Cr.P.C after filing of final charge sheet on the ground that the I.O of the case has made a note in the supplementary charge sheet being No. 01 of 2022 dated 18.04.2022 that another supplementary charge sheet may be submitted by him. Therefore, the approach adopted by the Ld. Advocate/advocates is just an alibi to cause the delay of commencement of the trial. It is usual practice of the I.O to mention in the charge sheet that he would submit supplementary charge sheet to avoid any hinderence to submit supplementary charge sheet on recovery of further materials, if any, but that does not amount the charge sheet already submitted by the I.O is not final. Trial of the case cannot be deferred on the pretext in anticipation of submissions of supplementary charge sheet.

However, for the ends of justice, all the petition(s) regarding supply of copies of documents would be considered on the next date of hearing to avoid the delay of commencement of the trial.

I.O of the case is personally present before this court.

Notice was served upon the holders of the lockers. They were directed to produce before the court the keys of the Locker no. 135, key no. 241, Locker No. 1028, key no. 45 and Locker No. B5, key no. 11.

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Archana Mukherjee, one of the locker holder of locker no. 135, key no. 241, Suva Mukherjee, one of the locker holder of locker no. 1028, key no. 45 and Chandan Das, one of the locker holder of locker no. B5, key no. 11 in the Bishnupur Town Co-operative bank, Bishnupur branch, Bankura have appeared before the court. Admitting themselves to be one of the aforesaid locker holders they state that the keys in respect of the aforesaid lockers are not in their custody as those have been missing.

Ld. Advocates for the accused persons are requested to inform their respective clients/accuseds with a direction upon them to produce the keys of the lockers being locker no. 135, key no. 241, locker No. 1028, key no. 45) and locker No. B5, key no. 11 in the Bishnupur Town Co-operative bank, Bishnupur branch, Bankura, before the court on the date of hearing.

Today, is fixed for filing copy of challan by I.O for depositing cash but no such copy of challan for depositing cash is filed by the I.O.

I.O is directed to file copy of challan for depositing cash by next date.

Fix 10-05-2022 for

1. Production of all the accused persons
2. Hearing/consideration of the petition/petitions U/S 207 of the Cr.P.C. and inspection of documents and supply of copy of documents and consideration of charge.
3. Filing copy of challan by I.O for depositing cash.
4. Production of keys of the lockers.

Dictated & Corrected

Sd/-

ASJ, 1st Court, Bankura

Sd/-

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