

NIA CASE NO 01 OF 2023
(CNR –WBCS01-000112-2023
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.31 dated 13.10.2022

To-day is fixed production of the accused persons, appearance of the accused no.(A-2) and submission of I.O's report in final form in respect of the accused no.(A-2), hearing of the petition dated 29.09.2023 filed on behalf of the accused no.(A-2) praying for waiving of the conditions, hearing of the petition dated 29.09.2023 filed on behalf of the accused person no.(A-1) praying for an appropriate direction upon the Prosecution in the light of some reported judgments of Hon'ble Court and hearing of the petition dated 01.09.2023 filed on behalf of the accused no.(A-2) for return of the Motor Cycle and CPU to the accused/petitioner together with the report dated 29.09.2023 filed by the Prosecution.

The accused person nos.(A-1) and (A-3) have been produced before this Court from J.C.

The accused person no.(A-2) on Court bail is present in Court by filing hazira.

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

One written objection has been filed on behalf of the Prosecution/NIA against the petition dated 29.09.2023 filed on behalf of the accused person no.(A-1) praying for an appropriate direction upon the Prosecution in the light of some reported judgments of Hon'ble Court.

Let the same be kept with the record.

A petition has been filed on behalf of the Prosecution stating that further investigation continues against the accused no.(A-2) and some more time is required to complete the investigation against the accused no.(A-2) and praying for time to file supplementary charge sheet and therefore it is prayed for adjournment in the interest of investigation.

Heard both sides.

Prayer for time is considered and allowed in the interest of proper investigation.

The petition dated 01.09.2023 filed on behalf of the accused no.(A-2) for return of the Motor Cycle and CPU to the accused/petitioner together with the report filed today by the Prosecution is taken up for hearing together with the report dated 29.09.2023 filed by the Prosecution.

At this juncture, a petition has been filed on behalf of accused no.(A-2) praying for an adjournment on the ground stated therein.

Heard both sides on the point of adjournment.

Prayer for adjournment is considered and allowed.

The petition dated 29.09.2023 filed on behalf of the accused no.(A-2) praying for waiving the condition imposed upon the accused/petitioner at the time of granting bail is taken up for hearing.

Ld. Advocate for the accused no.(A-2) submits that this Court granted interim bail to the accused no.(A-2) with certain conditions and one of those conditions, was that the condition no.III being that the accused/petitioner shall not leave the jurisdiction of West Bengal without prior permission of this Court.

Continued...

Continued order no.31 dated 13.10.2023

Ld. Advocate for the accused no.(A-2) further submits that due to some business work and also for a family tour the accused/petitioner is required to make a tour to South India from 20.10.2023 to 30.10.2023 to accompany the family members and therefore it is prayed for relaxation and/or waiving the condition imposed upon him and also prays for passing necessary order.

Ld. Special P.P. files a petition and submits that Prosecution has no objection to the accused/petitioner's tour to South India from 20.10.2023 to 30.10.2023 with the family members and leaves the matter upon the discretion of this Court.

On perusal of the case record, it reveals to this Court that the accused/petitioner was granted interim bail by this Court on 05.07.2023 with some conditions and out of those conditions the condition no.III was that the accused/petitioner would not leave the jurisdiction of West Bengal without prior permission of this Court.

Having heard the submission of both sides and considering the fact that the accused/petitioner is required to visit South India with his family members and also keeping in mind the no objection of the Prosecution side, prayer of the accused/petitioner to make a tour to South India from 20.10.2023 to 30.10.2023 along with his family members is considered and allowed with a direction upon the accused/petitioner to return within the jurisdiction of West Bengal on the date mentioned after intimating the details such as the addresses of the places of his where he will visit and stay during his tour in South India, photocopy of the tickets to the I.O. of this case with a further direction to remain present in Court on each and every date of hearing. The accused no.(A-2) is further directed to deposit the Passport, if any, to the I.O. of this case before leaving the jurisdiction of West Bengal and intimate the I.O. immediately after his return from the tour. The accused no.(A-2) shall also furnish his cell phone to the I.O. of this case

On submission of both sides, fix **30.11.2023** for production of the accused persons, appearance of the accused no.(A-2) and submission of I.O's report in final form in respect of the accused no.(A-2), hearing of the petition dated 29.09.2023 filed on behalf of the accused person no.(A-1) praying for an appropriate direction upon the Prosecution in the light of some reported judgments of Hon'ble Court together with the written objection filed today on behalf of the Prosecution and hearing of the petition dated 01.09.2023 filed on behalf of the accused no.(A-2) for return of the Motor Cycle and CPU to the accused/petitioner together with the report dated 29.09.2023 filed by the Prosecution.

Written objection, if any, in the meantime.

The accused nos.(A-1) and (A-3) are remanded to J.C. till 30.11.2023.

The accused no.(A-2) is as before.

Interim bail granted to the accused no.(A-2) is extended till 30.11.2023.

Let a copy of this order be sent to the I.O. of this case though Ld. Special P.P. of NIA for information.

D/C by me

Sd./-

Chief Judge,
City Sessions Court, Calcutta
Cum Judge Special Court, Calcutta
Under NIA Act.

Chief Judge,
City Sessions Court, Calcutta.
Cum Judge Special Court, Calcutta
Under NIA Act.

