

S.T. NO.01 (09) OF 2023
SESSIONS CASE NO 51 OF 2023
CNR-WB0201-000681-2023
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order No.42 dated 01.04.2025

Today is fixed for production of the accused person no.(A-2), appearance of the accused person no.(A-1) and further cross-examination of P.W.2 namely Arun Kumar Mondal.

Today is also fixed for submission of report by the I.O. of this case in respect of the petition dated 20.03.2025 filed on behalf of the accused person namely Saidul Alam praying for returning the seized mobile phone OPPO A9 to the accused/petitioner.

The accused person no.(A-1) namely Saidul Alam is present in Court by filing hazira.

The accused person no.(A-2) namely Rejal Haque @ Rejaul Haque is produced from the J.C. in virtual mode.

Ld. Counsel for the accused persons and the Ld. P. Ps.-in-charge are present.

P.W.2 namely Arun Kumar Mondal is present before this Court.

The accused person no.(A-2) namely Rejal Haque @ Rejaul Haque is identified by the concerned Jail Authority and he expressed before this Court that he could see and hear the entire court proceedings without any technical glitch and the accused person also gave consent to take up the matter for recording of evidence.

In presence of both sides the record is taken up for recording of evidence. P.W.2 namely Arun Kumar Mondal is further cross examined **in part** by the Ld. Counsel for the accused persons.

At this juncture, a petition has been filed on behalf of the accused persons stating that cross-examination of P.W.2 namely Arun Kumar Mondal could not be completed today due to the festival of holy Eid-UI-Fitr and therefore an adjournment has been prayed for.

Heard both sides on the point of an adjournment.

Prayer for adjournment is considered and allowed.

As per Gazette Notification dated 15.07.2022, the certified true copy of the deposition of P.W-2 dated 01.04.2025 is handed over to both sides i.e. the prosecution as well as the Ld. Defence Counsel after obtaining endorsement in the relevant register.

The I.O. of this case has filed one compliance report duly forwarded by the O/C, S.T.F., P.S., Kolkata Police in terms of order no.40 dated 20.03.2025 passed by this Court stating that at the time of detention of the accused/petitioner namely Saidul Alam the articles mentioned in the petition i.e. OPPO A9 was seized and was taken charge of as article number 12 as per seizure list-I dated 30.03.2023 along with other articles and explosive substances from the possession of the accused person namely Saidul Alam and as per the order of this Court the article no.12 was kept at DD Malkhana, Lalbazar vide DDMK-154/23 in packed and sealed condition along with other articles of this case and the same has been marked as exhibit before this Court and so there is objection from the side of investigating agency to hand over the aforesaid seized articles to the accused/petitioner namely Saidul Alam as article is already marked as exhibit of this case and there is every chance that if the same is handed over to the accused/petitioner it may be lost forever from the legal custody.

Perused the same and let the same be kept with the record.

On perusal of the copy of order dated 13.06.2024 in connection with C.R.M. (DB) 1502 of 2024 it transpires that Hon'ble High Court at Calcutta was pleased to direct this Court to expedite the trial and conclude the same as early as possible and definitely within a period of six months from the next date fixed for recording of evidence.

Keeping in mind the direction of the Hon'ble High Court at Calcutta in C.R.M. (DB) 1502 of 2024 and also on submissions of both sides, fix **16.04.2025** for production of the accused person no.(A-2), appearance of the accused person no.(A-1) and further cross-examination of P.W.2 namely Arun Kumar Mondal.

To-date i.e. on **16.04.2025** for hearing of the petition dated 20.03.2025 filed on behalf of the accused person namely Saidul Alam praying for returning the seized mobile phone OPPO A9 to the accused/petitioner together with the compliance report dated 01.04.2025 filed on behalf of the Prosecution.

Re-issue the Summon in the name of P.W.2 namely Arun Kumar Mondal with a direction to remain present before this Court on the next date fixed for adducing further evidence.

The Accused person no.(A-2) is remanded to J.C. till **16.04.2025**.

The accused person no.(A-1) on Court bail is as before.

D/C by me.

Sd./-

Chief Judge
City Sessions Court, Calcutta

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