

SESSIONS CASE NO.09 OF 2024
CNR NO.WBCS01-000143-2024
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order no.09 dated 19.09.2024

To-day is fixed for appearance of the accused person nos.2 to 9, E/R of Warrant of arrest against the accused person namely 1) Razi Ahmed and submission of report with regarding to starting proceedings against the sureties u/s 446 of the Cr.P.C.

The accused persons namely 2) Md. Kurban, 3) Munna Sahani, 4) Md. Jilani, 5) Md. Parvez, 6) Md. Tanvir, 7) Md. Kashim, 8) Akbar Mirza and 9) Abdul Sattar on Court Bail are present in Court by filing hazira.

Ld. Counsel for the above named accused persons is present.

Ld. P. Ps.-in-charge are present.

S.I. Tapan Kumar Das, the I.O. of this case files one report duly forwarded by the O/C, Watgunge P.S., Kolkata-700023 along with the original warrant of arrest in respect of the accused person no.1) Razi Ahmed stating that the accused person namely Razi Ahmed is presently lodged in Beniapur Sub-Jail, Darbhanga, Bihar in connection with Bargaon P.S. Case no.36/2024 u/s 191 (2)/126 (2)/115 (2)/118 (1)/117 (2)/109/303 (2)/324 (5)/135 (2)/351 (2)/3 (5) of BNS. (G.R. no.724/2024) and therefore the I.O. prays for issuance of production of warrant against the accused person namely 1) Razi Ahmed.

Let the said report along with the original warrant of arrest in respect of the accused person no.1) Razi Ahmed be kept with the record.

In view of the above report, let a production warrant be issued in respect of the accused person namely 1) Razi Ahmed at once.

Office is to comply at once.

At this juncture, a petition along with annexures has been filed on behalf of the accused person no.1) Razi Ahmed stating that the accused person could not attend Court on 25.07.2024 and 21.08.2024 and so this Court issued warrant of arrest against the accused person namely 1) Razi Ahmed vide order no.08 dated 21.08.2024 and prays for recalling the warrant of arrest invoking section 70 (2) of Cr. P.C.

Ld. Counsel for the accused person namely 1) Razi Ahmed further stated that on earlier occasion it was not informed to the Ld. Counsel by the family members of Razi Ahmed that the accused/petitioner was arrested in connection with another case and so the Ld. Counsel had submitted before this Court that the accused person was absent on that day i.e. on 21.08.2024 due to his illness as per the intimation given by the tadbirkar.

Ld. Counsel for the accused person namely 1) Razi Ahmed further stated that without issuing notice to the surety, warrant of arrest against this accused person was issued directly and so the surety did not get any chance of communicating the matter to the accused person/his family members.

Ld. Counsel for the accused person namely 1) Razi Ahmed further stated that this accused person was arrested in connection with the case in Bihar prior to the date of issuance of warrant of arrest by this Court against the accused person namely 1) Razi Ahmed and therefore the Ld. Counsel prays for recalling the warrant of arrest issued by this Court vide order dated 21.08.2024 against the accused person no.1) Razi Ahmed invoking section 70 (2) of Cr. P.C.

Ld. P.P. raises objection and submits that the accused person no.1) Razi Ahmed is a habitual offender and so Ld. P.P. prays for rejection of the petition praying for recalling the warrant of arrest issued against the accused person namely 1) Razi Ahmed.

Heard both sides.

Perused the petition along with the photocopies of documents annexed with the petition.

On perusal of the copy of order dated 22.07.2024 passed by the Ld. J.M. 1st Class, Biraul in connection with G.R. no.724/2024 arising out of Bargaon P.S. Case no.36 of 2024 it transpires that the bail application in respect of the accused person namely Razi Ahmed was rejected by the Ld. J.M. 1st Class, Biraul which clearly indicates that the accused person namely Razi Ahmed was arrested in connection with the said case bearing G.R. no.724/2024 in Bihar on or before 22.07.2024.

Today the I.O. of this case has also filed a report duly forwarded by the O/C, Watgunge P.S., Kolkata-700023 along with the original warrant of arrest in respect of the accused person no.1) Razi Ahmed stating that the accused person namely Razi Ahmed is presently lodged in Beniapur Sub-Jail, Darbhanga, Bihar in connection with Bargaon P.S. Case no.36/2024 u/s 191 (2)/126 (2)/115 (2)/118 (1)/117 (2)/109/303 (2)/324 (5)/135 (2)/351 (2)/3 (5) of BNS. (G.R. no.724/2024).

From the case record it also transpires that warrant of arrest against the accused person namely 1) Razi Ahmed was issued by this Court vide order no.08 dated 21.08.2024 and today this Court has already passed an order for issuance of production warrant against the accused person namely 1) Razi Ahmed.

Accordingly, the warrant of arrest issued by this Court vide order no.08 dated 21.08.2024 is recalled invoking section 70 (2) of Cr. P.C.

Thus, the petition dated 19.09.2024 filed by the accused person namely Razi Ahmed stands disposed of.

Received one report from the Ld. Additional Chief Judicial Magistrate, Calcutta vide letter no.57/24 dated 18.09.2024 along with one forwarding letter from the Ld. Chief Judicial Magistrate, Calcutta bearing letter no.4896 dated 19.09.2024 in terms of order dated 21.08.2024 passed by this Court wherein it has been stated by the Ld. Additional Chief Judicial Magistrate, Calcutta that in absence of the original bail bond the concerned Court was unable to proceed with the proceedings against the sureties u/s 446 of the Cr.P.C. and the next date of the said case has been fixed on 19.12.2024 by the concerned Ld. Court.

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

Received one copy of intimation from the SI, Md. Asrif Reza, Jorasanko P.S. duly forwarded by the O/C, Jorasanko P.S.

Let the same be kept with the record.

In absence of the accused person namely 1) Razi Ahmed, this Court is not in a position to proceed with the hearing of the petition dated 21.08.2024 filed u/s 227/228 of Cr. P.C. on behalf of all the accused persons namely 1) Razi Ahmed, 2) Md. Kurban, 3) Munna Sahani, 4) Md. Jilani, 5) Md. Parvez, 6) Md. Tanvir, 7) Md. Kashim, 8) Akbar Mirza and 9) Abdul Sattar praying for discharging the accused/petitioners from the instant case.

Accordingly, the case is adjourned for the ends of justice.

Fix **20.11.2024** for appearance of the accused person nos.2 to 9, production of the accused person namely 1) Razi Ahmed and hearing of the petition dated 21.08.2024 u/s 227/228 of Cr. P.C. filed on behalf of all the accused persons namely 1) Razi Ahmed, 2) Md. Kurban, 3) Munna Sahani, 4) Md. Jilani, 5) Md. Parvez, 6) Md. Tanvir, 7) Md. Kashim, 8) Akbar Mirza and 9) Abdul Sattar praying for discharging the accused/petitioners from the instant case.

Written objection, if any, in the meantime.

The accused person nos. 2 to 9 on Court bail are as before.

Let a copy of this order be sent to the Ld. Additional Chief Metropolitan Magistrate, Calcutta for information and necessary action.

Let a copy of this order be sent to the I.O. of this case through concerned O/C for information and necessary action.

D/C by me.

Sd./-

Chief Judge
City Sessions Court, Calcutta

Chief Judge
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