

**IN THE COURT OF LD. CHIEF JUDGE,
CITY SESSIONS COURT, BICHAR BHAWAN, CALCUTTA**

NIA CASE NO. 16 OF 2026
CNR NO.WBCS01-000252-2026
Present: Sri Sukumar Ray
J.O. CODE NO.WB00590
Chief Judge,
City Sessions Court, Calcutta

Order no. 01 dated 09.04.2026

1. Received the original re-registered FIR being no. RC-22/2026/NIA/DLI dated 08.04.2026 filed by the National Investigation Agency.
2. Perused the FIR. Considered.
3. I find that NIA has re-registered a case being no. RC-22/2026/NIA/DLI dated 08.04.2026 u/s 126(2)/221/189(1)/49/61(2)/285 of the Bharatiya Nyaya Sanhita, 2023 read with section 18 of the West Bengal Highways Act, 1964 against the accused persons, namely, Tahdur Rahaman, Habibur Rahaman, Md Firoz Sk, Babu Sk, Mofakkerul Islam and unknown accused.
4. The Court the Chief Judge, City Sessions Court, Calcutta has been designated as NIA Special Court under section 11 of the National Investigation Agency Act, 2008 by the Hon'ble Court's Notification No. 9586 R (Inspection II) dated 24.11.2010.
5. Accordingly, register the case as NIA Special Case.
6. Today, Goutam Chatterjee, SI/AIO, NIA, B.O., Kolkata has filed a petition through the Ld. Special Public Prosecutor representing the NIA of the instant case with prayer to pass necessary order (s) -
 - I. to allow the NIA for filing original of re-registered FIR of NIA case no. RC-22/2026/NIA/DLI dated 08.04.2026;
 - II. to take cognizance of the re-registered NIA FIR;
 - III. to direct the Superintendent of Police, Distt Malda, to further instruct / direct the concerned Investigating Officer of Kaliachawk PS in connection with FIR No. 461/2026 dated 02.04.2026 to immediately hand over the original case records, exhibits, alamats, material objects, original case diaries and all the relied / non-relied upon evidence(s) i.e. documentary, expert opinion(s), technical, electronic and statements of witnesses, etc., to the Chief Investigating Officer of NIA in NIA case no. RC-22/2026/NIA/DLI;
 - IV. to direct the concerned Investigating Officer, Kaliachawk PS in connection with FIR No. 461/ 2026 dated 02.04.2026, to immediately hand over the original case records, exhibits, alamats, material objects, original case diaries and all the relied / non-relied upon evidence(s) i.e. documentary, expert opinion(s), technical, electronic and statements of

witnesses, etc., to the Chief Investigating Officer of NIA in NIA case no. RC-22/2026/NIA/DLI;

V. to further direct the concerned Investigating Officer, Kaliachawk PS in connection with FIR No. 461/2026 dated 02.04.2026, to immediately produce the accused person (s) if in the custody of the police before this Court in connection with RC-22/2026/NIA/DLI;

VI. to request the Learned District Judge, Malda, to kindly direct the concerned Court for PS- Kaliachawk, to transmit at once the original case records / LCR of case FIR No. 461/2026 dated 02.04.2026 of PS Kaliachawk, to be sent to this Learned Court immediately forthwith;

VII. to direct the Superintendent of Malda Central Correctional Home, West Bengal Police, to immediately produce the accused person(s) if arrested in connection with Kaliachawk PS case no. 461 dated 02.04.2026;

7. Ld. Special Public Prosecutor representing the NIA, Mr. Shyamal Ghosh moves the petition.

8. Heard the Special Public Prosecutor of NIA,

9. Perused the petition, Original FIR and the notification of Govt. of India, Ministry of Home Affairs and relevant documents.

10. I have carefully perused the dictum of the Hon'ble Apex Court passed in connection with Suo Moto Write Petition (Civil) No(s). 3/2026.

11. The relevant portion of the solemn order of the Hon'ble Court is as follows:

“4. The suspects who have been arrested so far by the State/local Police shall be independently interrogated by the NIA, and for this purpose, their custody shall be handed over to the NIA, even if meanwhile, they have been sent to judicial custody. It further seems that some of the suspects are still in Police custody. their custody also be handed over to the NIA forthwith.”

12. Considering the entire facts and circumstances, the petition filed by the Special Public Prosecutor for NIA is allowed for the ends of justice.

13. Ld. District & Sessions Judge, Malda is requested to instruct the Ld. Chief Judicial Magistrate, Malda to transfer the original judicial record in connection with Kaliachawk PS case no. 461 dated 02.04.2026 before the court of Chief Judge, City Sessions Court, Calcutta, Bichar Bhawan, 2 & 3, Bankshall Street, Kolkata- 700001, which is the Special Court designated to try the offences under the NIA Act and to hand over the custody of the accused persons to the NIA forthwith.

14. In view of the direction of the Hon'ble Supreme Court of India, the Superintendent, Central Correctional Home, Malda is directed to handover the custody of the accused persons to the NIA forthwith.

15. The Investigating Officer of Kaliachawk PS case no. 461 dated 02.04.2026 is directed to hand over all the original case diaries, material objects and articles seized in connection with this case along with expert opinion(s), technical, electronic and statements of witnesses etc. forthwith to the Investigating Officer of NIA appointed to investigate the instant case.
16. The Investigating Officer of NIA is directed to produce the accused persons before this court positively on 16.04.2026.
17. Let a copy of this order along with a letter of request be forwarded to the Ld. District & Sessions Judge, Malda for information and giving necessary direction to the Ld. Chief Judicial Magistrate, Malda to take necessary step for transferring the original judicial record in connection with Kaliachawk PS case no. 461 dated 02.04.2026.
18. Let a copy of this order be sent to the Superintendent of Police, Malda with a direction to issue necessary instruction to the concerned Investigating Officer of Kaliachawk PS case no. 461 dated 02.04.2026 for necessary compliance and to provide police escort for production of the accused persons before this court on the date fixed.
19. Let a copy of this order be sent to the Superintendent, Central Correctional Home, Malda for necessary compliance.
20. Let a copy of this order also be given to the Ld. Special Public Prosecutor of NIA, Shyamal Ghosh so that he may process the matter keeping in mind the exigency of the instant case.
21. The Director General of Police, West Bengal is directed to impart instruction to the Superintendent of Police, Malda for compliance of the order of this Court as well as the solemn order passed by the Hon'ble Apex Court in its letter and spirit.
22. Let a copy of this order be sent to the Director General of Police, West Bengal for information and necessary action.
23. Let a copy of this order be sent to the Investigating Officer of Kaliachawk PS case no. 461 dated 02.04.2026 for necessary compliance.
24. Let a copy of this order be also given to the Investigating Officer, NIA as prayed for.
25. Fix 16.04.2026 for production of the accused persons and/or for report.

Dictated & corrected by me,

Sd/-
Chief Judge
City Sessions Court, Calcutta.

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Chief Judge
City Sessions Court, Calcutta.