

SESSIONS CASE NO.12 OF 2020
(CNR - WBCS01-000290-2020)
Present: Sri Siddhartha Kanjilal
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01057

Order No.50 dated 24.01.2022

Today is fixed for consideration of charge against the accused persons and for production of all the accused persons before this Court in physical mode.

Today is also fixed for hearing of the two petitions dated 16.12.2021 praying for passing order accepting the petition for “pleading guilty” of the accused persons namely **09) Abdur Rajjak and 19) Abdul Rahim.**

Today is also fixed for hearing for two petitions in respect of the accused nos. **18) Asif Iqbal @ Nadim** and **19) Abdul Rahim** received from the Superintendent of Presidency Correctional Home under cover of his office memo nos.10746/WO dated 04.12.221 and 10747/WO dated 04.12.221 praying for passing order to accept “plea of guilt” of the accused/petitioners.

Out of 21 accused persons, 20 accused persons namely **01) Shish Mohammod, 02) Ahammad Ali @ kalu, 03) Nur Alam Momin @ Noor Alam @ Alam, 04) Paigumber Sheikh @ Abdul Aziz, 05) Hajibullah, 06) Liakat Sk., 07) Dilwar Hossain @ Umar @ Nurul @ Ali Hassan, 08) Abdul Majed, 09) Abdur Rajjak, 11) Mustafijur Rahman @ Tuhin @ Sahin @ Shakil, 12) Abdul Karim @ Karim Sk. @ Iqbal, 13) Adil Sk. @ Abdullah @ Asadulla @ Ajit Sk., 14) Abdul Matin, 15) Manirul Islam, 16) Kader Kazi @ Kadar Kazi @ Mizanur Rahaman @ Harun Mondal, 17) Ariful Islam @ Arif @ Aatur @ Aktarul @ Mota Anaz @ Sahid 18) Asif Iqbal @ Nadim, 19) Abdul Rahim, 20) Rejaul @ Kiran @ Rutu and 21) Izaz Ahmed @ Moti Ahmed @ Jitu @ Izaj Md. Yosuf** have been produced from J.C. on virtual mode due to pandemic situation.

The accused person no. **10) Jahidul Islam @ Kausar @ Boma Mijan** has not been produced from the J.C. as the accused No. **10) Jahidul Islam @ Kausar @ Boma Mijan** was produced before the Ld. Court of Special Judge, NIA, Patna Bihar on 22.10.2021 in connection with Spl. NIA Case No.1/2018 arising out of RC No.04/2018, CIS – 01/2018 from the Presidency Correctional Home, Kolkata and he has been detained at Beur Model Central Jail, Patna, Bihar since then.

Received one report from the Superintendent of Presidency Correctional Home vide letter no.781/AB-I dated 23.01.2022 stating the accused person **10) Jahidul Islam @ Kausar @ Boma Mijan** could not be produced as the said accused person was produced before the Ld. Court of Special Judge, NIA, Patna, Bihar in connection with Spl. NIA case no.01/18 arising out of RC

no.04/18, CIS-01/18 and the said accused person has not yet been returned from the concerned Correctional Home.

All the accused persons except accused no. **10) Jahidul Islam @ Kausar @ Boma Mijan** has been produced from J.C. today on virtual mode.

Ld. Advocates for the accused person nos.08, 09, 15 and 19 are present on virtual mode.

Ld. Advocate appointed by the DLSA, Kolkata for the accused person nos.01, 03, 04, 05, 06, 07, 10, 11, 12, 13, 16, 17, 18, 20 and 21 is present on virtual mode.

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

Since the accused no. **10) Jahidul Islam @ Kausar @ Boma Mijan** has not been produced before this Court, charge can't be considered at this stage.

Accordingly, case is adjourned.

Accused No. **11. Mustafijur Rahman @ Tuhin @ Sahin @ Shakil** submitted through V/C that he is a resident of Birbhum District and prayed for arrangement for meeting his parents through V/C in the Correctional Home.

Accused No.**02. Ahammad Ali @ kalu** submitted through V/C that he is not getting proper medicines and treatment in the Correctional Home and he prayed for necessary order for proper treatment and medicines.

Accused No.**16. Kader Kazi @ Kadar Kazi @ Mizanur Rahaman @ Harun Mondal** submitted through V/C that he could not find his Ld. Advocate Shri Dipankar Das Pattanayak in the Court room.

Accused No.**05. Hajibullah** submitted through V/C that he is not getting proper diet and medicines in the Correctional Home and prayed for necessary order for the same.

Accused No.**12. Abdul Karim @ Karim Sk. @ Iqbal** submitted through V/C that he is a resident of Murshidabad and he prayed for meeting his parents through V/C in the Correctional Home and he is eager to appear in the Madhyamik Examination and prayed for necessary order for the same.

Received one medical report in respect of the UTP namely, **02. Ahammad Ali @ kalu** along with one forwarding letter from the Superintendent of Presidency Correctional Home vide letter no.783/AB-II dated 23.01.2022 in terms of order no.47 dated 22.12.2021 passed by this Court.

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

Heard the accused persons **No.11. Mustafijur Rahman @ Tuhin @ Sahin @ Shakil**, accused No.**02. Ahammad Ali @ kalu**, accused No.**16. Kader Kazi @ Kadar Kazi @ Mizanur Rahaman @ Harun Mondal** and

accused No.**05. Hajibullah** and accused No.**12. Abdul Karim @ Karim Sk. @ Iqbal**.

The Superintendent of Presidency Correctional Home is directed to take proper steps maintaining the guidelines of Jail Code so that these two accused **No.11. Mustafijur Rahman @ Tuhin @ Sahin @ Shakil** and accused No.**12. Abdul Karim @ Karim Sk. @ Iqbal** get an opportunity to contact with their family members through video conference.

The Superintendent of Presidency Correctional Home is further directed to provide proper medical treatment to accused No.**02. Ahammad Ali @ kalu** and accused No.**05. Hajibullah** as per advice of the medical practitioner of the Correctional Home.

The Superintendent of Presidency Correctional Home is further directed to provide all facilities to accused No.**02. Ahammad Ali @ kalu** to appear in Class X Examination as per guidelines of the Correctional Home.

The Superintendent of concerned Correctional Home is directed to submit a report to that effect by the date fixed positively.

One report regarding supply of copy has been filed on behalf of the prosecution in terms of order no.45 dated 06.12.2021 passed by this Court.

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

Received one copy of intimation from the Superintendent of Presidency Correctional Home vide memo no.11008/1(2)/AB-I dated 13.12.2021.

Let the same be kept in the record.

In view of such, fix **25.02.2022** for hearing of consideration of charge against the accused persons.

To-date i.e. 25.02.2022 for hearing of the two petitions dated 06.12.2021 praying for passing order accepting the petition for "pleading guilty" of the accused persons namely **09) Abdur Rajjak and 19) Abdul Rahim**.

To-date i.e. 25.02.2022 for production of all the accused persons before this Court in physical mode, if there is no restriction.

Let copies of this order be sent to the Superintendent of Presidency Correctional Home and also to the Superintendent of Dum Dum Central Correctional Home for information and compliance.

Let a copy of this order be forwarded to the Secretary, DLSA, Kolkata for information and necessary action.

The bail application of the accused **No.20. Sk. Rajaul @ Kiran @ Rutu** is taken up for hearing on virtual mode.

Ld. Advocate for the accused submits that the accused has been arrested on 09.06.2020 on mere complicity ground and no offensive documents or materials has been seized from the accused and he prays for bail on any terms and conditions.

Ld. P.P. in charge vehemently objected and submitted that there is sufficient incriminating materials against the accused/petitioner and it is a fit case for custodial trial.

Heard both sides.

Perused the CD and the materials on record from where it reveals that it is a case u/s 121/121A/123/124A/125/120B of IPC read with Section 4/5/6 of Explosives Act along with Section 17/18/18A/19/20/21/23 of U.A.(P) Act. Moreover, the bail application of one of the accused namely, Abdul Majed (A-8) has been rejected by the Hon'ble High Court, Calcutta on 14.07.2021.

Considering all these, this Court finds that it is not a fit case for granting bail of the accused/petitioner at present.

Hence, the bail application of the accused/petitioner stands rejected.

To date for production of the accused persons.

Let a copy of this order be given to the I.O through Ld. P P in charge, for information.

Dictated & corrected by me

Chief Judge
City Sessions Court, Calcutta

Chief Judge
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