

S.T. NO.02 (07) OF 2022
SESSIONS CASE NO.12 OF 2020
(CNR - WBCS01-000290-2020)
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order No.87dated 18.09.2023

Today is fixed for production of the accused persons and appearance of the accused persons and further hearing of the petition u/s 216 of Cr. P.C. filed on 04.09.2023 on behalf of the accused nos.(A-11), (A-12) and (A-13) praying for alteration of charge.

The accused person nos.(A-2), (A-3), (A-4), (A-7), (A-10), (A-11), (A-12) and (A-13) are produced before this Court from J.C.

The accused person nos.(A-8), (A-14), (A-15) and (A-20) on Court Bail are present in Court by filing hazira.

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

One written objection against the petition u/s 216 of Cr. P.C. dated 04.09.2023 is filed on behalf of the Prosecution.

Let the same be kept with the record.

The petition u/s 216 of Cr. P.C. dated 04.09.2023 filed on behalf of the accused nos.(A-11), (A-12) and (A-13) praying for alteration of charge is taken up for further hearing along with the written objection filed on behalf of the Prosecution.

At this juncture, Ld. Advocates for the accused nos.(A-11), (A-12) and (A-13) submits before this Court that the accused nos.(A-11), (A-12) and (A-13) intend to not press the petition u/s 216 of Cr. P.C. dated 04.09.2023 and subsequently Ld. Advocate for the accused persons put an endorsement on the petition u/s 216 of Cr. P.C. dated 04.09.2023 with endorsement "Not pressed."

Accordingly, the petition u/s 216 of Cr. P.C. dated 04.09.2023 filed on behalf of the accused nos.(A-11), (A-12) and (A-13) praying for alteration of charge stands rejected being not pressed.

Thus, the petition u/s 216 of Cr. P.C. dated 04.09.2023 is disposed of.

A petition u/s 227 of Cr. P.C. has been filed on behalf of the accused nos.(A-11), (A-12) and (A-13) praying for discharging the accused/petitioner nos.(A-11), (A-12) and (A-13) from the 14 A(b) of Foreigners' Act on the ground stated therein.

Copy served.

Let the same be kept with the record.

A petition has been filed on behalf of the accused/petitioner nos.(A-11) and (A-13) and it is prayed for adjournment of the two petitions dated 08.08.2023 praying for accepting the "plea of guilty" of the accused/petitioner nos.(A-11) and (A-13) on the ground stated therein.

Continued.....

Continued order no.87 dated 18.09.2023

No objection is raised to the prayer of adjournment.

Prayer for adjournment is considered and allowed.

On submission of the both sides, hearing of the two petitions dated 08.08.2023 praying for accepting the “plea of guilty” of the accused/petitioner nos.(A-11) and (A-13) be kept in abeyance till disposal of the petition u/s 227 of Cr. P.C. filed today on behalf of the accused nos.(A-11), (A-12) and (A-13) praying for discharging the accused/petitioners.

Received one medical Report in respect of the accused no.(A-7) Dilwar Hossain @ Umar @ Nurul @ Ali Hassan in terms of order no.86 dated 11.09.2023 passed by this Court from the Superintendent of Presidency Correctional Home communicated vide office letter no.11717/IMB dated 17.09.2023.

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

In view of the above, the Superintendent of Presidency Correctional Home is further directed to ensure continuous medical treatment of the accused/petitioner as per prescription of the Medical Officer.

Fix **28.09.2023** for production of the accused persons and appearance of the accused persons and hearing of the petition u/s 227 of Cr. P.C. filed today on behalf of the accused nos.(A-11), (A-12) and (A-13) praying for discharging the accused/petitioner nos.(A-11), (A-12) and (A-13) from the 14 A(b) of Foreigners’ Act.

Written objection, if any, in the meantime.

The accused person nos.(A-2), (A-3), (A-4), (A-7), (A-10), (A-11), (A-12) and (A-13) are remanded to J.C. till 28.09.2023.

The accused person nos.(A-8), (A-14), (A-15) and (A-20) are as before.

Let a copy of this order be sent to the Superintendent of Presidency Correctional Home for information and necessary action.

Let a copy of this order be sent to the I.O. of this case through concerned O/C with a direction to ensure production of the C.D. on the date fixed.

D/C by me

Sd./-
Chief Judge
City Sessions Court
Calcutta

Chief Judge
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Calcutta