

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.115 dated 29.07.2024

To-day is fixed for production of the accused persons, appearance of the four accused persons, further hearing on the point of re-casting/alteration of charge and submission of I.O's report in terms of order no.111 dated 27.06.2024 passed by this Court.

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 before this Court by filing hazira.

Ld. Counsels for the accused persons and the Ld. Special P. P. are present.

Received one report from AC, STF, Kolkata duly forwarded by the Deputy Commissioner of Police, Special Task Force, Kolkata in terms of order no.111 dated 27.06.2024 passed by this Court.

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

The record is now taken up for hearing of the petition dated 21.05.2024 filed by the Assistant Commissioner of Police, S.T.F., Kolkata praying for allowing the prosecution to deposit the seized currency notes amounting to Rs.1,00,000/- at Government Treasury/Reserve Bank of India to prevent any damage after maintaining all legal formalities together with the report submitted today by the AC, STF, Kolkata.

The I.O stated in the petition that the seized currency notes are huge in quantity and there is less space available at DD Malkhana, Lalbazar and the seized G.C notes consists of denomination of Rs. 2,000/-, Rs. 500/- Government of India had been declared that Rs. 2000/- would not be used a legal tender after 30.09.2023. Moreover, there is a possibility of potential damage as the huge stockpiled of currency notes are being huddled up in a humid environment and it runs the risk of being destroyed by insects and the I.O of this case prays for allowing the prosecution to deposit the seized currency notes amounting to Rs. 100000/- (Rupees one lakh only) at Government Treasury/Reserve Bank of India to prevent any damage or absolute maintaining all legal formalities.

In the report submitted today and I.O stated during investigation of the case some articles were seized from the house of one of the accused persons of the case namely Asif Iqbal on 19.03.2019 as per seizure list dated 19.03.2019 and among the articles seized there was cash of Rs. 1,00,000/- having three pieces of notes of 2000 rupees denomination which had become invalid presently and the said accused person namely Asif Iqbal had already pleaded guilty and no one till now claimed the said money and the said currency notes are the subject matter of the case and in all probability was arranged for use in terrorist activities by the said accused person and his associates and therefore the I.O prays for depositing the said cash in Reserve Bank of India to avoid damage due to humid environment in malkhana as well as insects.

Ld. P.P submits that as per order of this Court the I.O has submitted a detailed report which clearly indicates that this seized money was recovered from the house of accused person namely Asif Iqbal but this accused was convicted by this Court and till now he has not claimed this money and if this money is not deposited in the Reserve Bank then said money will be cancelled as per the guideline of the RBI and the rest of the amount will get damaged due to humid environment in malkhana as well as insects.

Ld. Advocates for the accused persons submits that the owner of the seized money is the accused person Asif Iqbal and the same should be handed over to the accused person and this money is not the subject matter of this case and they pray for handing over the said money to the actual owner of the same i.e. the accused person Asif Iqbal.

Heard both sides.

Perused the petition of the I.O and the report of the I.O

This court is of the view that the said seized money of Rs. 1,00,000/- has not been claimed by any of the accused persons and moreover there are three notes of Rs. 2000 denomination as per the report of the I.O and if the said notes are not deposited then the same will be cancelled as per the guideline of the RBI and also rest of the amount will get damaged due to humid environment in malkhana as well as insects.

In view of such circumstances, the prosecution is at liberty to deposit Rs. 1,00,000/- having three pieces of notices of 2000 rupees denomination Government Treasury/Reserve Bank of India after keeping photographs of each of the notes after maintaining all legal formalities with a direction to submit a detailed report in this regard before this Court after depositing the same.

Now the record is taken up for further hearing of the petition on the point of re-casting/alteration of charge.

At this juncture, Ld. Counsels on behalf of the accused persons file a petition stating that conducting Ld. Senior Counsel could not be ready for conducting the hearing on the point of re-casting/alteration of charge and therefore an adjournment has been prayed for.

Heard all sides on the point of adjournment.

Prayer is considered and allowed as a last chance.

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

Received one medical report and a separate report of medical diet in respect of the accused persons namely Dilwar Hossain (A-7) and Adil Sk. (A-13) along with two separate forwarding letters bearing nos.2300/IMB dated 28.07.2024 and no.9315/IMB dated 28.07.2024 respectively from the Superintendent of Presidency Correctional Home in terms of order no.111 dated 27.06.2024 passed by this Court.

Perused the reports and let those be kept with the record.

A petition has been filed on behalf of the accused person namely Dilwar Hossain stating that the accused/petitioner has been suffering from right inguinal swelling and the doctors of SSKM Hospital gave a tentative date on 20.06.2024 for his surgery and thereafter the date was refixed on 13.06.2024 and then on the said date the doctors of SSKM Hospital advised medications and to review after two months.

Ld. Counsel for the accused/petitioner further stated that the accused/petitioner could not bear the pain of Harnia and therefore Ld. Counsel prays for a direction upon the Superintendent of Presidency Correctional Home to take necessary steps so that his surgery can be done as soon as possible.

Heard the accused person namely Dilwar Hossain.

Perused the report submitted by the Medial Officer, Presidency Correctional Home wherein it has been stated as follows: "Lastly he attended Surgery OPD of SSKM Hospital on 11.07.2024 for follow up. Again they opined that he has no clinically detected Hernia to operate and medications.

He is now following the advice of SSKM Hospital and will be followed up accordingly."

On hearing the submissions of the accused/petitioner and also on consideration of the report submitted by the concerned Correctional Home Authority, the Superintendent of Presidency Correctional Home is further directed to take necessary steps for providing adequate medical treatment to the accused person namely Dilwar Hossain strictly as per advice of the registered medical practitioner of the Correctional Home as per the provision of West Bengal Correctional Services Act ,1992 and submit a compliance report before this Court on the next date fixed i.e. on 17.08.2024.

Received three forwarding letters along with photocopies of three productions warrants issued by the Special Judge, NIA, Patna from the Superintendent of Presidency Correctional Home bearing nos.9135/AB, no.9136/AB and no.9138/AB dated 24.07.2024 seeking necessary permission for production of the accused persons namely (A-03), Noor Alam Momin son of Monsur Momin, (A-4) Md. Paigambar Sheikh @ Abdul Aziz @ Phaim son of Late Hazrat Ali and (A-2) Ahmad Ali @ Kalu son of Late Hussain Ali before the Court of Ld. Special Judge, NIA, Patna on 31.07.2024 physically in connection with Spl. NIA Case no.01 of 2018.

In view of such fact, the Superintendent of Presidency Correctional Home, Alipore, Kolkata-27 is at liberty to take necessary steps with regard to production of the accused persons namely (A-03), Noor Alam Momin son of Monsur Momin, (A-4) Md. Paigambar Sheikh @ Abdul Aziz @ Phaim son of Late Hazrat Ali and (A-2) Ahmad Ali @ Kalu son of Late Hussain Ali before the Court of Ld. Special Judge, NIA, Patna on 31.07.2024 physically or virtually in connection with Spl. NIA Case no.01 of 2018 as per the Provisions of the West Bengal Correctional Services Act, 1992 with a further direction to take necessary steps to ensure production of the above named accused persons before this Court on the date fixed i.e.17.08.2024.

On submission of both sides, fix **17.08.2024** for production of the accused persons, appearance of the four accused persons, further hearing on the point of re-casting/alteration of charge and submission of medical report in respect of the accused person namely Dilwar Hossain.

To-date i.e. on **03.08.2024** awaiting detailed report from the Ld. Secretary, the District Legal Service Authority, Kolkata

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 17.08.2024.

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

C.D. be returned.

Let a copy of this order be sent to the Superintendent of Presidency Correctional Home along with a copy of the petition of the accused person namely (A-7) Dilwar Hossain for information and necessary action.

D/C by me

Sd./-
Chief Judge
City Sessions Court
Calcutta

Chief Judge
City Sessions Court
Calcutta

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