

**Sessions Case No. 12 of 2020**

CNR–WBCS01-000290-2020

**Present: Sri Sukumar Ray**

**J.O. CODE NO.WB00590**

**Chief Judge,**

**City Sessions Court, Calcutta**

**Order no. 44 dated 23.07.2025**

1. Today is fixed for hearing of the petition dated 07.07.2025 filed on behalf of the accused Dilwar Hossain, production and appearance of the accused persons, passing order on the point of recasting/alteration of charge and hearing of the petition dated 27.06.2025 filed on behalf of the accused persons Ahammad Ali @ Kalu and Md Paigambar Sk praying for accepting the plead guilty.
2. The accused persons Abdul Majed, Abdul Matin, Sk Rejaul and Maniraul Islam, on court bail, are present by filing hazira.
3. The accused persons (A-2) Ahammad Ali @ Kalu, (A-3) Nur Alam Momin @ Noor Alam @ Alam, (A-4) Md. Paigambar Sk, (A-7) Dilwar Hosssain @ Umar @ Nurul @ Ali Hassan, (A-10) Jahidul Islam @ Kausar @ Boma Mijan , (A-11) Mustafijur Rahaman @ Tuhin @ Sahin @ Shakil, (A-12) Abdul Karim @ Karim Sk. @ Iqbal and (A-13) Adil Sk. @ Abdullah @ Assadulla @ Ajit Sk. are produced before this Court from the J.C. in physical mode.
4. Ld. Advocates for the accused persons are present.
5. Ld. Public Prosecutor-in-charge is also present.
6. Ld. Advocate for the accused (A-3) Nur Alam Momin @ Noor Alam @ Alam has filed a petition praying for accepting the plea of guilt.
7. Now, the record is taken up for hearing of the petition dated 27.06.2025 filed on behalf of the accused persons Ahammad Ali @ Kalu and Md Paigambar Sk and the petition filed today on behalf of the accused Nur Alam Momin @ Noor Alam @ Alam praying for accepting the plea of guilt.
8. The brief facts constituting the offence against the accused persons Ahammad Ali @ Kalu, Md Paigambar Sk and Nur Alam Momin @ Noor Alam @ Alam are –  
*On or before 02.02.2018, these accused persons, being the members of banner terrorist organization, namely, JMB and criminally conspired with each other, waged or attempted to wage war, or abetted waging of war, against the Government of India and also acquired or possessed special category explosives substance viz IED which is intent by means thereof enraged of life or cause serious injury to property and also which is under suspicious circumstances in a concealed manner. They have also conspired with each other to involve and commit or attempt to commit, advocate, abet knowingly facilitate a terrorist act or any preparatory to commission of a terrorist act which exposed them for a prosecution under section 121A/120B of the Indian Penal Code and section 4/5 of the Explosive Substances Act and section 18/20 of the Unlawful Activities (Prevention) Act.*
9. Firstly, the accused (A-4) Md. Paigambar Sk is called on dock. Thereafter, the accused (A-3) Nur Alam Momin @ Noor Alam @ Alam is called on dock and then the accused (A-2) Ahammad Ali @ Kalu is called on dock.

10. This Court, once again, explained the consequence of their pleading guilty over the charges framed against them.
11. On being asked the accused persons are found stuck on their earlier point and with the folded hands submit that they are repentant for violating the Laws of the land and pray for acceptance of their plea of guilt.
12. On a protracted interaction with the accused persons, this Court is satisfied that these accused persons voluntarily want to plead their guilt and in an unambiguous manner.
13. This being the position this Court finds no impediment to accept the plea of guilt of the accused persons (A-2) Ahammad Ali @ Kalu, (A-3) Nur Alam Momin @ Noor Alam @ Alam and (A-4) Md. Paigambar Sk in terms of Section 229 of the Code of Criminal Procedure.
14. Heard learned Counsel for the accused persons and the learned Public Prosecutor-in-charge.
15. Both of them submit in an unequivocal manner that since the accused (A-2) Ahammad Ali @ Kalu, (A-3) Nur Alam Momin @ Noor Alam @ Alam and (A-4) Md. Paigambar Sk are repenting for their crime and admit their guilt they may be convicted accordingly.
16. It appears from the record that charge of this case was framed and since these accused had pleaded not guilty the trial was commenced. Here, we can fruitfully refer to a decision of Hon'ble Apex Court made in **State of Maharashtra Versus Sukhdeo Singh & another, reported in 1992 SCC (Cri) 705** wherein the Hon'ble Court has been pleased to observe that-

*“there is nothing in chapter VIII of Code of Criminal Procedure which prevents an accused from pleading guilty at any subsequent stage of trial after framing of charge but the Court must act with caution and circumspection before accepting and acting on the plea of guilt and the plea must be clear, unambiguous and unqualified and the Court must be satisfied that the accused has understood the nature of the allegation made against him and admits them”.*

17. The above legal position was reiterated in **Shnehalata Mondal Versus State of WB, (2008) 1 CALT 297 (HC)**.
  18. Having heard both the sides and abiding by the prudence and circumspection this Court accepts the plea of guilt of the accused persons (A-2) Ahammad Ali @ Kalu, (A-3) Nur Alam Momin @ Noor Alam @ Alam and (A-4) Md. Paigambar Sk and accordingly, found them guilty for the offence punishable under section 121A/120B of the Indian Penal Code and section 4/5 of the Explosive Substances Act and section 18/20 of the Unlawful Activities (Prevention) Act and passes the following order -  
Accordingly, it is
- ORDERED**
- that accused (A-2) Ahammad Ali @ Kalu, (A-3) Nur Alam Momin @ Noor Alam @ Alam and (A-4) Md. Paigambar Sk are found guilty for the offence punishable under section 121A/120B of the Indian Penal Code and section 4/5 of the Explosive Substances Act and section 18/20 of the Unlawful Activities (Prevention) Act and accordingly, they are convicted.
  19. The convicts, namely, (A-2) Ahammad Ali @ Kalu, (A-3) Nur Alam Momin @ Noor Alam @ Alam and (A-4) Md. Paigambar Sk, are remanded to J.C with a direction to produce them on **24.07.2025** for hearing on the point of sentence.
  20. The Superintendent, Presidency Correctional Home is directed to keep the convicts (A-2) Ahammad Ali @ Kalu, (A-3) Nur Alam Momin @ Noor Alam @ Alam and (A-4) Md.

Paigambar Sk in segregation cell and produced before this Court on 24.07.2025 positively at 10:30 a.m.

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

Dictated & corrected by me,

Sd/-  
Chief Judge  
City Sessions Court, Calcutta.

Sd/-  
Chief Judge  
City Sessions Court, Calcutta.

**Later order dated 23.07.2025**

1. The record could not taken up for hearing of the petition dated 07.07.2025 filed on behalf of the accused Dilwar Hossain and for passing order on the point of recasting/alteration of charge.
2. Accordingly, the same is adjourned for today.
3. Fixing **05.08.2025** for production and appearance of the accused persons, hearing petition dated 07.07.2025 filed on behalf of the accused Dilwar Hossain and passing order on the point of alteration of charge.
4. The accused persons be remanded to J/C till **05.08.2025**.

Dictated & corrected by me,

Sd/-  
Chief Judge  
City Sessions Court, Calcutta.

Sd/-  
Chief Judge  
City Sessions Court, Calcutta.