

S.T. NO.01(07) OF 2022
SESSIONS CASE NO.15 OF 2020
(CNR - WBCS01-000301-2020)
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order No.66 dated 12.10.2023

Today is fixed for hearing of the petition dated 06.06.2023 filed on behalf of the accused nos.(A-2) and (A-3) and hearing of the two petitions dated 20.06.2023 filed on behalf of the accused nos.(A-2) and (A-3), one with prayer for alteration of the charges against the accused/petitioners and another for waiving of the conditions.

The Accused person nos.(A-1) and (A-10) are produced before this Court from J.C.

The Accused person nos.(A-2), (A-3) and (A-5) on Court Bail are present in Court by filing hazira.

Ld. Advocates on behalf of the Accused persons in two sets and Ld. Special P. Ps. are present.

A petition along with a net copy of case Details in connection with SPL (Criminal) 7880 of 2023 registered on 03.07.2023 published on the web site of Hon'ble Supreme Court of India has been filed on behalf of the prosecution stating that the petition dated 06.06.2023 has been filed by the accused persons on the basis of the order dated 11.05.2023 passed by the Hon'ble High Court at Calcutta in CRR/3180/2023 in connection with S.T.F. P.S. case no.1 of 2022 and challenging the same order dated 11.05.2023 of the Hon'ble High Court at Calcutta, the Prosecution has preferred a Special Leave petition being SPL (Criminal) 7880 of 2023 before the Hon'ble Supreme Court of India and date of hearing of the same matter has been fixed on 20.10.2023 before the Hon'ble Supreme Court of India and therefore an adjournment has been sought for till the disposal of the above SLP before the Hon'ble Supreme Court of India. Heard Ld. Special P.P. and Ld. Advocates for the accused persons.

It is explicit that no stay order of Hon'ble Supreme Court has yet been filed on behalf of the Prosecution.

Having heard both sides, prayer for time is considered and allowed for the ends of justice on consent with a direction upon the Prosecution to file updated status of the matter pending before the Hon'ble Court, if any, on the date fixed.

On submission of the Ld. Advocate for the accused the nos.(A-2) and (A-3), the petition dated 20.06.2023 filed on behalf of the accused nos.(A-2) and (A-3) praying for waiving of the conditions is taken up for hearing.

Heard Ld. Advocate for the accused nos.(A-2) and (A-3) in full.

At this stage, a petition has been filed on behalf of the Prosecution praying for an adjournment on the ground that some time is required for

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taking official instructions with regard to waiving of the conditions as the allegations against the accused nos.(A-2) and (A-3) are very serious in nature.

Heard both sides on the point of adjournment.

Prayer for adjournment is considered and allowed.

No report regarding marriage registration of the accused no.(A-10) Jahidul islam @ Kausar @ Boma Mijan has yet been received from the Superintendent of Dum Dum Central Correctional Home in terms of order no.65 dated 19.09.2023 passed by this Court.

In view of such fact, the Superintendent of Dum Dum Central Correctional Home is further directed to submit a report regarding prayer of the accused no.(A-10) in terms of order dated 06.06.2023 passed by this Court by the next date fixed.

Fix **18.10.2023** for hearing of the petition dated 06.06.2023 praying for not to proceed with the trial filed on behalf of the accused nos.(A-2) and (A-3) and hearing of the petition dated 20.06.2023 filed on behalf of the accused nos.(A-2) and (A-3) with a prayer for alteration of the charges against the accused/petitioners and further hearing of the petition dated 20.06.2023 filed on behalf of the accused nos.(A-2) and (A-3) praying for waiving of the conditions.

The Accused person nos.(A-1 and 10) are remanded to J.C. till 18.10.2023.

The Accused person nos.(A-2, 5 and 3) are as before.

Let a copy of this order be sent to Superintendent of Dum Dum Central Correctional Home for information and necessary compliance.

D/C by me.

Sd./-

Chief Judge
City Sessions Court, Calcutta

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