

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.88 dated 20.07.2024

Today is fixed for submission of report by the Superintendent of Presidency Correctional Home as per the Provision of the West Bengal Correctional Service Act, 1992 in respect of the petition dated 12.06.2024 filed on behalf of the convict (A-8), Izaj Ahmed @ Moti Ahmed @ Jitu @ Izaj @ Md. Yousuf.

Ld. Counsel for the convict (A-8), Izaj Ahmed @ Moti Ahmed @ Jitu @ Izaj @ Md. Yousuf is present.

Ld. Special P.P. is present by filing hazira.

Received one report along with annexures from the Superintendent of Presidency Correctional Home vide letter no.8875/RB dated 18.07.2024 in respect of the petition dated 12.06.2024 filed on behalf of the convict (A-8), Izaj Ahmed @ Moti Ahmed @ Jitu @ Izaj @ Md. Yousuf in terms of order no.82 dated 12.06.2024 passed by this Court.

Perused the report of the Superintendent of Presidency Correctional Home wherein the concerned Superintendent has stated that the accused person namely Izaj Ahmed @ Moti Ahmed @ Jitu @ Izaj @ Md. Yousuf was convicted by this Court on 05.11.2022 in three differing cases and on 27.12.2023 Ld. Advocate on behalf of the said convict submitted one letter along with a copy of the order of this Court bearing order no.520 dated 14.11.2022 and submitted that the concerned Correctional Home Authority has intimated that the sentence in separate cases will run concurrently and Ld. Counsel also intimated that the convict had deposited the fine amounts in connection with all the three cases and the fine amount in each case was accepted by this Court.

It is further stated in the report that as per West Bengal Jail Code Rules vide no.526 and no.532, procedure of calculating the date of release of prisoners convicted in two or more sentences are mentioned as a general rule with illustration and a draft probable date of release of the said convict was prepared based on the provision of West Bengal Jail Code Rules for verification and the copy of the draft has been enclosed with his report.

It is further stated in the report that as per Rule 427 of Cr. P.C. in an illustration the second sentence will commence after expiry of the first, provided Ld. Court directs the subsequent sentence shall run concurrently with the previous sentence and in compliance with the direction of this Court vide order no.520 dated 14.11.2022 a draft

probable date of release of the said convict namely Izaj Ahmed @ Moti Ahmed @ Jitu @ Izaj @ Md. Yousuf was prepared for verification and therefore the concerned Superintendent seeks guidance in accordance with the provisions in deciding the date of release of the said convict.

Let the same be kept with the record.

Ld. Counsel for the convict submits that the convict (A-8), Izaj Ahmed @ Moti Ahmed @ Jitu @ Izaj @ Md. Yousuf has served out the sentence awarded by this Court and the fine amount awarded by this Court in respect of all the three cases has already been paid and till today the convict has not been released from the concerned Correctional Home and so the concerned Correctional Home Authority is doing injustice to the convict (A-8), Izaj Ahmed @ Moti Ahmed @ Jitu @ Izaj @ Md. Yousuf and therefore the Ld. Counsel prays for passing necessary order.

Heard the Ld. Counsel for the convict.

Perused the case record.

In view of such fact, the Ld. Secretary, the District Legal Service Authority, Kolkata is directed to look into the matter and submit a detailed report with regard to the probable date of release of the convict (A-8), Izaj Ahmed @ Moti Ahmed @ Jitu @ Izaj @ Md. Yousuf for the ends of justice.

Fix **03.08.2024** awaiting detailed report from the Ld. Secretary, the District Legal Service Authority, Kolkata.

To-date i.e. on **30.07.2024** for production and appearance of the accused persons and further cross-examination of P.W.2.

Let a copy of this order along with a copy of the petition dated 12.06.2024 filed on behalf of the convict (A-8), Izaj Ahmed @ Moti Ahmed @ Jitu @ Izaj @ Md. Yousuf and the entire report submitted by the Superintendent of Presidency Correctional Home be sent to the Ld. Secretary, the District Legal Service Authority, Kolkata for information and necessary action

D/C by me.

Sd./-  
Chief Judge  
City Sessions Court, Calcutta

Chief Judge  
City Sessions Court, Calcutta

