

Sessions Case no. 15 of 2020
CNR-WBCS01-000301-2020
Present: Sri Sukumar Ray
J.O. CODE NO.WB00590
Chief Judge,
City Sessions Court, Calcutta

Order no. 127 dated 04.02.2026

1. Today is fixed for production & appearance of the accused persons, examination of CSW-5, hearing of the petition dated 27.11.2025 filed on behalf of the prosecution praying for cancellation of bail of the accused persons, namely, Mosibur Rahaman and Ruhul Amin, hearing of petition filed by the Jahidul Islam @ Kausar @ Boma Mijam praying for pleading guilty of the offence and submission of report by the Investigating Officer.
2. Accused person Jahidul Islam @ Kausar @ Boma Mijam is produced physically before this court from the J/C.
3. Rest accused persons Monirul Islam, Ruhul Amin and Mosibur Rahaman are present before this court by filing hazira.
4. Ld. Public Prosecutor for the State and Ld. Advocates for the accused are present today.
5. One petition has been filed on behalf of the accused Mosibur Rahaman stating that in compliance with the order no. 126 dated 29.01.2026, he appeared before the Investigating Officer on 01.02.2026 but the Office of STF was closed being Sunday and again he visited there on 02.02.2026 and secured his presence there. Perused the same and let it be kept with the record.
6. It appears that despite direction of this court vide order no. 126 dated 29.01.2026, no report regarding the appearance of accused Mosibur Rahaman before the Investigating Officer has been received from him.
7. Accordingly, Investigating Officer is further directed to submit the report in compliance with the order no. 126 dated 29.01.2026 positively by the next date fixed.
8. Witness Parimal Mahato is present before this Court.
9. Now, the record is taken up for recording evidence.
10. Witness Parimal Mahato is examined in chief as PW-7 by the Ld. Public Prosecutor in full.
11. At this juncture, Ld. Advocate for the accused Mosibur Rahaman has filed a petition u/s 231(2) of the Code of Criminal Procedure praying for deferring the cross examination of PW-7 and permit him to cross examine PW-6 & PW-7 in a single day as both of them are the witnesses of one single seizure and if their prayer will not be allowed, the defence would get revealed and prosecution get an opportunity to fill up their deficiencies and/or latches.
12. Ld. Public Prosecutor for the State raises an objection.
13. Heard both sides.
14. Perused the case record. Considered.
15. Section 231(2) of the Cr.P.C. provides as follows:

"The Judge may, in his discretion, permit the cross examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination."

16. This provision grants the Court the discretionary power to regulate the order in which evidence is led and, specifically, to defer the cross-examination of a witness when the interests of justice so require. The primary objective is to ensure that the trial is conducted fairly and that neither party gains an undue advantage.
17. The record discloses that the cross-examination of PW-6 stands deferred till the completion of examination in chief of CSW-5, examined today as PW-7, as per prayer of the accused u/s 231(2) of the Code of Criminal Procedure.
18. It appears that PW-6 and PW-7 both are the witness of one seizure.
19. In these circumstances, to my mind, there is every possibility that defence case would get disclosed if cross examination of PW-6 and PW-7 are not done together.
20. Considering the facts and circumstances, the petition u/s 231(2) of the Cr.P.C. filed by the accused is allowed.
21. Accordingly, the cross-examination of PW-7 stands deferred today and cross-examination of PW-6 & PW-7 be taken up on the next date fixed.
22. During the course of evidence, the signatures of PW-7 on the seizure list dated 26.02.2019 are marked as Exhibit P-2/3/PW-7 collectively.
23. As per Gazette Notification dated 15.07.2022, the certified true copies of the deposition of PW-7 is handed over to all sides after obtaining endorsement in the relevant register.
24. Reissue summons upon PW-7.
25. Issue summons upon PW-6.
26. Put requisites at once.
27. The accused Jahidul Islam @ Kausar @ Boma Mijam be remanded to J/C till 05.02.2026.
28. The record is taken up at 02:00 pm today for hearing of petition filed by the Jahidul Islam @ Kausar @ Boma Mijam praying for pleading guilty of the offence.
29. Fix **12.03.2026** for appearance of the accused persons, cross examination of PW-6 & PW-7, hearing of the petition dated 27.11.2025 filed on behalf of the prosecution praying for cancellation of bail of the accused persons, namely, Mosibur Rahaman and Ruhul Amin and submission of report by the Investigating Officer.
30. Accused persons, on bail, are as before.
31. Let a copy of this order be sent to the Investigating Officer through the Ld. Public Prosecutor for information and compliance.

Dictated & corrected by me,

Sd/-
Chief Judge
City Sessions Court, Calcutta.

Sd/-
Chief Judge
City Sessions Court, Calcutta.

Later order dated 04.02.2026

1. It is now 02:05 pm.
2. Now, the record is taken up for hearing of petition filed by the Jahidul Islam @ Kausar @ Boma Mijam praying for pleading guilty of the offence.
3. Accused person (A-10) Jahidul Islam @ Kausar @ Boma Mijam is produced.
4. Ld. Public Prosecutor for the State and Ld. Advocate for the accused is present.
5. Accused person prays for acceptance of plea of guilt and for imposition of minimum prescribed punishment.
6. The brief facts constituting the offences against the accused person is – *On or before 16.02.2019 the accused person (A-10) Jahidul Islam @ Kausar @ Boma Mijam being a Bangladeshi National illegally entered into India without any valid documents and also being the member of banned terrorist organization, namely, JMB, within India and out of India entered into criminal conspiracy with other accused persons were preparing, aiding or assisting the State prisoner of war, namely, Kausar @ Baro Bhai, Chief of JMB, in escaping from lawful custody or rescuing or attempting to rescue him and associated with banned terrorist organization for illegal act and possessing explosive substances with intent to cause serious injuries and property in India which exposed him for a prosecution for offence punishable under Sections 130/120B of the Indian Penal Code, 1860, Sections 4 and 5 of the Explosive Substances Act, 1908 and Sections 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 and Section 14A(b) of the Foreigner's Act.*
7. Accused (A-10) **Jahidul Islam @ Kausar @ Boma Mijam** is called on dock.
8. This Court, once again, explained the consequence of his pleading guilty over the charges framed against him.
9. On being asked the accused person is found stuck on his earlier point and with the folded hands submits that he is repentant for violating the Laws of the land and prays for acceptance of his plea of guilt.
10. On a protracted interaction with the accused person, this Court is satisfied that this accused person voluntarily wants to plead his guilt and in an unambiguous manner.
11. This being the position this Court finds no impediment to accept the plea of guilt of the accused person, namely, (A-10) *Jahidul Islam @ Kausar @ Boma Mijam*, in terms of Section 229 of the Code of Criminal Procedure.
12. Heard learned Lawyer for the accused person, namely, (A-10) *Jahidul Islam @ Kausar @ Boma Mijam* and the learned Public Prosecutor.
13. Both of them submit in an unequivocal manner that since the accused person (A-10) *Jahidul Islam @ Kausar @ Boma Mijam* is repenting for his crime and admit his guilt and he may be convicted accordingly.
14. It appears from the record that charge of this case was framed and since this 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”.

15. The above legal position was reiterated in **Shnehalata Mondal Versus State of WB, (2008) 1 CALT 297 (HC)**.
16. Having heard both the sides and abiding by the prudence and circumspection this Court accepts the plea of guilt of the accused person namely **(A-10) Jahidul Islam @ Kausar @ Boma Mijan** and accordingly found him guilty for the offence punishable under Sections **130/120B** of the Indian Penal Code, 1860, under Sections **4** and **5** of the Explosive Substances Act, 1908 and under Sections **18** and **20** of the Unlawful Activities (Prevention) Act, 1967 and **Section 14A(b)** of the Foreigner’s Act and passes the following order –
17. Accordingly, it is

ORDERED ;

that accused person, namely, **(A-10) Jahidul Islam @ Kausar @ Boma Mijan**, is found guilty for the offence punishable under Sections **130/120B** of the Indian Penal Code, 1860, under Sections **4** and **5** of the Explosive Substances Act, 1908 and under Sections **18** and **20** of the Unlawful Activities (Prevention) Act, 1967 and **Section 14A(b)** of the Foreigner’s Act and accordingly, he is convicted.

18. The convict, namely, **(A-10) Jahidul Islam @ Kausar @ Boma Mijan**, is remanded to J.C with a direction to be produced on **05.02.2026** for hearing on the point of sentence.
19. The Superintendent, Presidency Correctional Home is directed to keep this convict **(A-10) Jahidul Islam @ Kausar @ Boma Mijan** in segregation cell and produced before this Court on 05.02.2026 positively at 10:30 a.m.
20. 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.