

**IN THE COURT OF LD. CHIEF JUDGE, CITY SESSIONS COURT, BICHAR BHAWAN,**

**CALCUTTA**

**NIA CASE NO 03 OF 2024**

(CNR –WBCS01-

Present: Sri Soumendra Nath Das  
Chief Judge, City Sessions Court, Calcutta.

Cum Special Judge, Under NIA Act

City Sessions Court, Calcutta

J.O. CODE NO.WB01132

**Order no. 01 dated 14.06.2024**

Received the registered FIR in original dated 13.06.2024 along with a copy of order bearing no. 11011/57/2024/NIA dated 11.06.2024 of the Government of India, Ministry of Home Affairs, CTCR Division, North Block, New Delhi and copies of formal FIR, letter of complaint and a CIS copy of order dated 24.05.2024 passed by the Hon'ble High Court at Calcutta in connection with CPAN 698 of 2024 in WPA 4543 of 2022, filed by Dr. Jaya Roy, Superintendent of Police, NIA, New Delhi and C.I.O. of this case.

Perused the FIR. Considered.

I find that NIA has registered a case being no. RC-08/2024/NIA/DLI dated 13.06.2024 under sections 286,326,308,304 and 120B of I.P.C. and sections 3, 4 and 5 of the Explosive Substances Act, 1908 against unknown accused person (s).

The Court of Ld. Chief Judge, City Sessions Court, Calcutta has been designated as NIA Special Court under section 11 of the National Investigation Agency Act, 2008 by the Hon'ble Court's Notification No. 9586 R (Inspection II) dated 24.11.2010.

Accordingly, Register the case as a NIA Special Case.

Today Dy. S.P./CIO, NIA, B.O., Kolkata has filed one petition along with annexures and a CIS copy of order dated 24.05.2024 passed by the Hon'ble High Court at Calcutta in connection with CPAN 698 of 2024 in WPA 4543 of 2022 through the Ld. Special P.P., NIA of the instant case with a prayer to pass necessary orders which are as follows:

- i) to allow the NIA to file the original re-registered FIR of NIA case no. RC-08/2024/NIA/DLI dated 13.06.2024 along with annexures,
- ii) to take cognizance of the re-registered NIA FIR,
- iii) to request the Ld. District Judge, Howrah at once to instruct the concerned Ld. ACJM, Ulberia to transmit the original case records of Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022 to this Court immediately,
- iv) to direct the concerned Superintendent of Correctional Home, Howrah, West Bengal to forthwith/urgently produce the arrested accused persons (if in judicial custody) in connection with Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022 before this Court in NIA case no. RC-08/2024/NIA/DLI in the interest of proper and thorough investigation of this case,
- v) to direct the Commissioner of Police, West Bengal Police, Dist.-Howrah Rural to instruct the I.O. of the Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022 to immediately hand over the original case diary with all exhibits, material objects, documents, alamsats, all the relied/non-relied upon evidence(s). i.e. documentary, expert opinion(s), technical electronic and

statements of witnesses etc. to the CIO of NIA of this case being no. RC-08/2024/NIA/DLI.

- vi) to direct the concerned investigating officer of Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022 to immediately hand over the original case diary with all exhibits, material objects, documents, alamats, all the relied/non-relied upon evidence(s). i.e. documentary, expert opinion(s), technical electronic and statements of witnesses etc. to the CIO of NIA of this case being no. RC-08/2024/NIA/DLI in the meantime as the Government of India, Ministry of Home Affairs, CTCR Division, North Block, New Delhi as per order bearing no. 11011/57/2024/NIA dated 11.06.2024 whenever it has been ordered that the case to be investigated by the NIA.
- vii) To direct the I.O. of the instant case (Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022) to produce the arrested accused person (s), if in Police custody, before this Court on the next date fixed.

Ld. Special P.P. of NIA, Shyamal Kr.Ghosh, moves the petition.

Heard the Ld. Special P.P. of NIA.

Perused the CIS copy of order dated 24.05.2024 passed by the Hon'ble High Court at Calcutta in connection with CPAN 698 of 2024 in WPA 4543 of 2022 wherein the Hon'ble High Court at Calcutta has been pleased to observe as follows:

*“Amta Police Station has filed a report indicating that they have handed over the relevant documents along with charge sheet to the NIA. The NIA shall take over the Charge Sheet being No.344 of 2022 and its prosecution.*

*Let the charge sheet be transferred to the special NIA Court at the City Civil and Sessions Court at Calcutta. For the purpose of transfer as aforesaid, the NIA shall be deemed to have been ordered by Ministry of Home Affairs under Section 6(3) of the NIA Act, 2008.*

*The NIA shall be entitled to file supplementary charge sheet if any further investigation is undertaken.*

*The learned Additional Solicitor General submits that the accused are not available or accessible to them. They are all on bail.*

*The Amta Police shall render all assistance to the NIA in accessing the accused for any purpose including further investigation. In the event, the accused are still not traceable and do not cooperate, the NIA shall be at liberty before the NIA Court to seek cancellation of the bail of the accused persons.*

*The NIA is, therefore, directed to continue investigation as well as prosecution of the charge sheet before the NIA Court.*

*With the aforesaid observations, the contempt application is disposed of.*

*The report of the Amta Police Station in the form of instructions addressed to State advocate is kept with the record.*

*There will be no order as to costs.”*

Perused the petition, FIR and the notification of Govt. of India, Ministry of Home Affairs and relevant documents.

Considering the entire facts and circumstances and the direction as passed by the Hon'ble Court in its order dated 24.05.2024 in CPAN 698 of 2024 in WPA 4543 of 2022, the prayers made in the petition filed by the Ld. P.P., NIA are allowed.

Ld. District Judge, Howrah is requested to kindly instruct the concerned Ld. ACJM, Ulberia to transmit the original case records of Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022 before the court of Ld. Chief Judge, City Sessions Court, Calcutta, Bichar Bhawan, 2 & 3, Bankshall Street, Kolkata- 700 001 which is the special Court designated to try the offences under the NIA Act.

Ld. District Judge, Howrah is also requested to kindly instruct the concerned Ld. ACJM, Ulberia to take necessary steps to ensure production of all the arrested accused persons (if in judicial custody) in connection with the Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022 before the court of Ld. Chief Judge, City Sessions Court, Calcutta, Bichar Bhawan, 2 & 3, Bankshall Street, Kolkata- 700 001 on the date fixed i.e. on 15.07.2024

The Commissioner of Police, West Bengal Police, Dist.-Howrah Rural is directed to instruct the concerned investigating officer of the Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022 to hand over all the original case diaries, material objects and articles seized in connection with this case along with expert opinion(s), technical, electronic and statements of witnesses etc. to the I.O. of NIA appointed to investigate the instant case in the meantime positively.

The I.O. of the Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022 is directed to hand over all the original case diaries, material objects and articles seized in connection with this case along with expert opinion(s), technical, electronic and statements of witnesses etc. to the I.O. of NIA appointed to investigate the instant case in the meantime positively with a further direction to take steps to produce the accused person (s), if in Police custody, before this Court on the next date fixed.

Let a copy of this order along with a letter of request be forwarded to the Ld. District Judge, Howrah, West Bengal for information and necessary action.

Let a copy of this order be also sent to the Commissioner of Police, West Bengal Police, Dist.-Howrah Rural for information and necessary compliance.

Let a copy of this order be also sent to the I.O. of the Amta P.S. Case No./FIR No.49/2022 dated 23.02.2022 for information and necessary compliance.

Let a copy of this order also be given to the I.O. of NIA through the Ld. Special P.P., NIA for information and necessary action.

To **15.07.2024** for production of the accused persons, if any, filing report of compliance and further order.

D/C by me

Sd./-  
Chief Judge,  
City Sessions Court, Calcutta  
Cum Judge Special Court, Calcutta  
Under NIA Act.

Chief Judge,  
City Sessions Court, Calcutta.  
Cum Judge Special Court, Calcutta  
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