

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

NIA CASE NO 03 OF 2024

(CNR –WBCS01-000482-2024)
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. 08 dated 06.09.2024

To-day is fixed for production of the accused person Moinur Rahaman from P.C., filing of death certificate along with report by the I.O. with regard to the present status of accused person namely i) Sk. Maharam, appearance of the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla.

To-day is also fixed for hearing of the petition dated 02.09.2024 filed on behalf of the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla praying for allowing them to remain on same bail and submission of I.O's. report in final form.

The accused person namely Moinur Rahaman is produced from the P.C. along with a Ticket for Emergency Patients issued by the Medical Officer, Salt Lake S.D. Hospital, Kolkata-700064..

The accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla are present in Court by filing hazira.

Ld. Counsels for the accused persons and the Ld. Special P.P. of NIA are present.

The order sheet dated 16.07.2024 has not yet been received from the Ld. ACJM, Uluberia in terms of order no.07 dated 02.09.2024 passed by this Court.

In view of such fact, the Ld. ACJM, Uluberia is further directed to take necessary steps for sending before this Court the order sheet dated 16.07.2024.

Ld. District Judge, Howrah is also requested to look into the matter.

Dy. S.P./C.I.O., NIA, B.O. Kolkata has filed one application through the Ld. Special P.P. of NIA along with a photocopy of death certificate bearing no.D/2022/179339 dated 18.09.2022 in the name of Sk. Maharam issued by the Sub-Registrar (Birth and Death), Kolkata Municipal Corporation and an Arrest Memo dated 02.09.2024 in respect of accused person namely Moinur Rahaman praying for i) remanding the accused person namely Moinur Rahaman to judicial custody.

The I.O. of this case also prayed for accepting the copy of death certificate of Sk. Maharam and also keeping the arrest memo of Moinur Rahaman on record.

The I.O. of this case has further prayed for allowing the Prosecution/NIA some time to file the I.O's report in final form.

Ld. Special P.P. of NIA submits that the accused person namely Sk. Maharam died on 28.02.2022 and prays for passing necessary order.

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

Perused the copy of the death certificate bearing no.D/2022/179339 dated 18.09.2022 in the name of Sk. Maharam issued by the Sub-Registrar (Birth and Death), Kolkata Municipal Corporation wherefrom it is found that the accused person namely Sk. Maharam passed away on 28.02.2024.

Accordingly, the case against the accused person namely **Sk. Maharam** is **filed for ever** under section 82 of Cr. P.C.

The petition dated 02.09.2024 filed on behalf of the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla praying for allowing them to remain on same bail is taken up for hearing.

At this juncture, Ld. Counsel for the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla submits before this Court that he is willing to not press the petition dated 02.09.2024 and subsequently the Ld. Counsel puts an endorsement on the petition dated 02.09.2024 with the endorsement "Not press."

Accordingly, the petition dated 02.09.2024 filed on behalf of the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla is **rejected being not pressed**.

Ld. Counsel for the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla files a fresh petition praying for allowing these accused persons to remain on same bail bond as furnished before the Court of the Ld. ACJM, Uluberia, Howrah on the ground stated therein.

A bail application has been filed on behalf of the accused person namely Moinur Rahaman.

Copies of both the petitions have been served upon the Ld. Special P.P. of NIA as per the endorsement.

Ld. Special P.P. of NIA submits that Prosecution/NIA is inclined to file written objections against the both petitions.

Accordingly, let both the petitions be kept with the record.

The remand application filed today on behalf of the Prosecution/NIA is taken up for hearing.

Heard both sides on the point of remanding the accused person namely Moinur Rahaman to judicial custody.

Considering the nature and gravity of the offence and also on consideration of the fact that the case relates to making of live bombs at a ground near Chandrapur Bazar under Amta P.S. for the purpose of committing heinous crimes, prayer for remanding the accused person namely Moinur Rahaman to judicial custody is considered and allowed in the interest of proper and thorough investigation of this case.

The accused person namely Moinur Rahaman is remanded to J.C. till 20.09.2024.

Dy. S.P./C.I.O., NIA, B.O. Kolkata has filed another application through the Ld. Special P.P. of NIA stating that this Court has already received the L.C.R. of Amta P.S. case no.49/2022 and the case diary (containing pages from 1 to 326) of Amta P.S. case no.49/2022 has been tagged with the L.C.R. and therefore the I.O. of this case has prayed for providing the CIO of the case the case diary of Amta P.S. case no.49/2022 in the interest of the investigation of the NIA Case bearing RC-08/24/NIA/DLI.

On perusal of the case record and the L.C.R. of Amta P.S. case no.49/2022 it appears that the original case docket with brief copy in connection with Amta P.S. charge sheet no.344/2022 dated 16.10.2022 is also attached to the case record.

In view of such fact, the Dy. SP./CIO, NIA, Kolkata is at liberty to receive the case diary inadvertently attached to the L.C.R. under proper receipt in presence of the Sheristadar of this Court with a further direction to file an acknowledgment receipt indicating a detailed list of the copies received pertaining to the case diary from the case record.

Fix **13.09.2024** for hearing of the bail application dated 06.09.2024 filed on behalf of the accused person namely Moinur Rahaman and also hearing of the petition dated 06.09.2024 filed on behalf of the praying for allowing the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla to remain on same bail bond as furnished before the Court of the Ld. ACJM, Uluberia, Howrah.

Written objections, if any, in the meantime.

Fix **20.09.2024** for production of the accused person namely Moinur Rahaman, appearance of the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla, receiving order sheet dated 16.07.2024 from the Ld. ACJM, Uluberia, Howrah in terms of order no.07 dated 02.09.2024 passed by this Court and submission of I.O's. report in final form and submission of acknowledgement receipt by the I.O. of this case.

To-date i.e. on **20.09.2024** for appearance of the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla before this Court.

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 sent to the Ld. ACJM, Uluberia, Howrah for information and necessary action.

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.

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.
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