

NIA CASE NO 08 OF 2023
(CNR –WBCS01-000546-2023
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.37 dated 10.07.2024

Put up petition along with a separate petition has been filed by S.I./AIO, NIA, B.O., Kolkata through the Ld. Special P.P. of NIA praying for allowing the Prosecution/NIA to file the original prosecution sanction under the Explosive Substances Act with a further prayer to take cognizance under the Explosive Substances Act against all the charge sheeted accused persons.

Put up petition is considered and allowed.

Let the case record be put up before this Court at once.

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
Under NIA Act.

Later:

The case record is placed before this Court.

By filing a separate petition along with the original Sanction order for Prosecution as per the section 7 of the Explosive Substances Act, 1908 bearing Memo no.56/A & E dated 05.07.2024 issued by the District Magistrate, Purba Medinipur, the S.I./AIO, NIA, B.O., Kolkata wherein he has stated before this Court that after completion of the investigation NIA submitted Charge Sheet on 04.07.2024 against six accused persons namely (A-1) Late Raj Kumar Manna, (A-2) Late Biswajit Gayen, (A-3) Late Buddhadeb Manna, (A-4) Panchanan Ghorai, (A-5) Manobrata Jana and (A-6) Balai Charan Maity under various sections of Law including sections 4, 5 & 6 of the Explosive Substances Act.

The S.I./AIO, NIA, B.O., Kolkata has further stated before this Court that Prosecution has received the Sanction order dated 05.07.2024 and is inclined to file the original Prosecution sanction order before this Court and therefore prays for passing orders-i) to allow the petition of NIA, ii) to allow the NIA to file the original Prosecution Sanction under the Explosive Substances Act and iii) take cognizance under the Explosive Substances Act against all the charge sheeted accused persons.

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

Perused the original sanction order bearing Memo no.56/A & E dated 05.07.2024 issued by the District Magistrate, Purba Medinipur wherein the sanction of prosecution has been accorded u/s 3 (b) of the Explosive Substances Act, 1908 against the accused persons and the details of which have been given as follows:-

Continued.....

Continued order no.37 dated 10.07.2024

Sl. No.	Name and address of the Accused Persons	Place of occurrence	Date and time of occurrence	Sanction of prosecution sought for
1	Panchanan Ghorai son of Santosh Gharai residing at Vill.-Naruabila, P.S.- Bhupatinagar, East Medinipur, West Bengal-721456.			Under sections 5 and 6 of the Explosive Substances Act
2.	Manobrata Jana son of Late Bishnupada Jana residing at Vill.-Naruabila, Naruya Bila, P.S.-Bhupatinagar, Dist. Purba Medinipur, West Bengal-721456	House of Rajkumar Manna, Vill.-Naruabilla, P.S.- Bhupatinagar, Dist. Purba Medinipur	02.12.2022 at 20:30 hrs.	Under sections 4 and 6 of the Explosive Substances Act
3.	Balai Charan Maity son of Jogendra Nath Maity residing at Vill.-Nijnaruya, Analberia, Bhagwanpur-II, P.S.-Bhupatinagar, Dist. Purba Medinipur, West Bengal-721444			Under sections 4 and 6 of the Explosive Substances Act

Perused the case record and the original sanction order bearing Memo no.56/A & E dated 05.07.2024 issued by the District Magistrate, Purba Medinipur and the 1st Supplementary Charge-Sheet.

On perusal of the case record it transpires that Dy. S.P./CIO, NIA, B.O., Kolkata stated in the 1st supplementary charge sheet that the Sanction for prosecution under section 7 of the Explosive Substances Act, 1908 had been applied for from the District Magistrate, Purba Medinipur, West Bengal (Competent Authority) on 28.06.2024 and sanction order was still awaited. The Original sanction order would be submitted as and when received.

Let the original sanction order bearing Memo no.56/A & E dated 05.07.2024 issued by the District Magistrate, Purba Medinipur be accepted and kept with the record.

To-date i.e. on **16.07.2024** for appearance of the accused person, bringing order of the Hon'ble High Court at Calcutta, if any, and further hearing of the petition dated 25.07.2023 u/s 439 (2) Cr. P.C. praying for cancellation of bail of the accused person namely Panchanan Ghorai filed on behalf of the Prosecution/NIA in presence of both sides.

Continued.....

Continued order no.37 dated 10.07.2024

To-date i.e. on **16.07.2024** for production of the two accused persons namely (i) Manobrata Jana and (ii) Balai Charan Maity before this Court from J.C.

Let a copy of this order be sent to the I.O. of this case for information and necessary action.

D/C by me

Sd./-

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

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