

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.38 dated 16.07.2024

To-day is fixed 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.

To-day is also fixed for production of the two accused persons namely (i) Manobrata Jana and (ii) Balai Charan Maity before this Court from J.C. and further order.

The accused person namely Panchanan Ghorai on Court Bail is present in Court by filing hazira.

The accused persons namely (i) Manobrata Jana and (ii) Balai Charan Maity are produced before this Court from J.C.

Ld. Counsel for the accused persons is present.

Ld. Special P.P. of NIA is also present.

Neither any further order of the Hon'ble High Court at Calcutta, nor any stay order of the Hon'ble Court has yet been furnished by the accused person namely Panchanan Ghorai.

Copies of charge sheet and relied upon and not relied upon documents [copies of 1st supplementary charge sheet (38 pages) along with annexure A (12 pages) and B (109 pages and three compact disks marked as D-27, D-28 and D-29)] are ready and supplied to the above named three accused persons after obtaining due endorsement of the accused persons on a separate sheet in presence of the Ld. Counsels for the accused persons.

Let the separate sheet consisting of the endorsements of the accused persons be kept with the record.

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 is now taken up for hearing in presence of both sides.

At this juncture, a petition has been filed on behalf of the accused person namely Panchanan Ghorai stating that conducting Ld. Counsel is not ready to conduct the hearing today and as such an adjournment has been prayed for.

Ld. Counsel for the accused person namely Panchanan Ghorai submits that copies of charge sheet and other documents have been supplied today to the accused person namely Panchanan Ghorai and so the Ld. Counsel requires some time to inspect those documents prior to conducting the hearing of the petition dated 25.07.2023 u/s 439 (2) Cr. P.C. and therefore Ld. Counsel prays for time to ascertain the allegation labelled against the accused person namely Panchanan Ghorai in the charge sheet and in the relevant documents.

Heard both sides on the point of adjournment.

Prayer for adjournment is considered and allowed with a direction upon the both sides to come ready on the next date fixed.

Another petition has been filed on behalf of all the accused persons stating that the Prosecution/NIA has supplied copies of 1st supplementary charge sheet (38 pages) along with annexure A (12 pages) and B (109 pages) and three compact disks marked as D-27, D-28 and D-29) to the accused persons.

Ld. Counsel for the accused persons further stated that contents of the aforesaid 3 compact disks marked as D-27, D-28 and D-29 have not been ascertained or verified and it is not possible for the defence Counsel to ascertain the genuineness, authenticity of the three compact disks and it is also not possible to compare the disks with the disks lying with the Prosecution with regard to the relied upon documents.

Ld. Counsel for the accused persons further stated that the list of the relied upon documents has not been either mentioned or reflected as to what documents are there in the CD and therefore prays for a direction upon the Prosecution/NIA to serve physical copies in the form of paper copies of the aforesaid three compact disks.

Copy served as per endorsement.

Let the same be kept with the record.

A petition has been filed on behalf of the accused person namely Balai Charan Maity stating that the accused/petitioner has been suffering from ill health for a prolonged period of time and the accused/petitioner requires urgent medical treatment and therefore Ld. Counsel for the accused/petitioner prays for a direction upon the Superintendent of Presidency Correctional Home to provide proper medical treatment to the accused/petitioner.

On being asked, the accused person namely Balai Charan Maity submits before this Court that he has high blood sugar and no medical test is being done in the Correctional Home to check his present sugar level.

Heard the Ld. Counsel for the accused person namely Balai Charan Maity.

In view of such prayer made in the petition filed today, the Superintendent of Presidency Correctional Home is directed to provide proper medical treatment to the accused person namely Balai Charan Maity strictly as per the prescription of the Registered Medical Officer and as per the Provisions of the West Bengal Correctional Services Act, 1992 and submit a report in this regard on the next date fixed.

Fix **25.07.2024** 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.

Fix **13.08.2024** for production of the two accused persons namely (i) Manobrata Jana and (ii) Balai Charan Maity before this Court from J.C., hearing of the petition filed today on behalf of the accused persons praying for a direction upon the Prosecution/NIA to serve physical copies in the form of paper copies of the aforesaid three compact disks marked as D-27, D-28 and D-29) and submission of medical report by the Superintendent of Presidency Correctional Home in respect of the accused person namely Balai Charan Maity.

Inspection of documents, if any, in the meantime.

Let a copy of this order be sent to the I.O. of this case with a direction to take necessary steps to ensure production of the C.D. on the next date fixed.

Let a copy of this order be sent to the Superintendent of Presidency Correctional Home 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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