

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.40 dated 13.08.2024

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., hearing of the petition dated 16.07.2024 filed 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.

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.

Received one copy of order dated 09.07.2024 passed by the Hon'ble Supreme Court of India in Petition (s) for Special Leave to Appeal (Crl.) no.(s).5860/2024 from the Ld. Assistant Registrar, Hon'ble Supreme Court of India, New Delhi vide PID:147234/2024 IN SLP (CRL) No.5860/2024 (SEC-II-B).

Perused the copy of order dated 09.07.2024 in SLP (CRL) No.5860/2024 wherein the Hon'ble Supreme Court of India has been pleased to observe inter alia as follows:

“As requested by Mr. Vikramjeet Banerjee, learned Additional Solicitor General appearing for the respondent, one week's time is granted to file reply affidavit and thereafter, one week's time is granted to the learned counsel for the petitioner to file rejoinder affidavit.

List this matter after two weeks.

Until further order (s), interim order dated 29.04.2024 to continue.”

Let the solemn order dated 09.07.2024 in SLP (CRL) No.5860/2024 be kept with the record.

The petition dated 16.07.2024 filed 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) is taken up for hearing.

Having heard the submissions of both sides, the Prosecution/NIA is directed to serve at least one set of physical copies in the form of paper copies of the three compact disks marked as D-27, D-28 and D-29) to the accused person in the meantime and file an acknowledgment receipt in this regard on the next date fixed.

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 the conducting Ld. Counsel is feeling unwell and as such he is not in a position to conduct hearing today and therefore an adjournment has been prayed for.

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 positively.

Received one medical report in respect of the accused person namely Balai Charan Maity along with one forwarding letter bearing no.9930/IMB dated 12.08.2024 from the Superintendent of Presidency Correctional Home in terms of order no.38 dated 16.07.2024 passed by this Court.

Perused the same and let the same be kept with the record.

In view of such report, the Superintendent of Presidency Correctional Home is directed to provide continuous 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.

Fix **28.08.2024** 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 **28.08.2024** for production of the two accused persons namely (i) Manobrata Jana and (ii) Balai Charan Maity before this Court from J.C. and consideration of charge.

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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