

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.43 dated 11.09.2024

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 consideration of charge.

The accused person namely Panchanan Ghorai on Court Bail is found absent on calls.

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 and the Ld. Special P.P. of NIA are present.

The I.O. is present before this Court.

Ld. Counsel for the accused person namely Panchanan Ghorai files a petition stating that this accused person could not attend Court today on account of his illness and therefore the Ld. Counsel prays for condoning his absence.

Heard both sides on the point of condoning absence of the accused person namely Panchanan Ghorai.

Having heard the submissions of both sides, prayer for condoning his absence is allowed with a direction upon the accused person to remain present before this Court on the next date fixed positively.

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.

A petition has been filed on behalf of the accused person namely Panchanan Ghorai stating that the NIA has submitted charge sheet in the instant matter against the accused person namely Panchanan Ghorai and the accused person will appear before this Court when notice for his appearance will be served upon him as he is not required to remain present in Court when charge sheet is submitted until notice for appearance is served upon him as laid down by the Hon'ble Apex Court in the decision reported in AIR 1982 SC 1463 and therefore Ld. Counsel prays for issuance of notice or summons upon the accused person namely Panchanan Ghorai on the ground stated therein.

Copy served as per the endorsement.

Let the same 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.

Heard both sides in part.

At this juncture, a petition has been filed on behalf of the accused person namely Panchanan Ghorai praying for an adjournment on the ground stated therein.

I find that hearing of the petition u/s 439 (2) Cr. P.C. is getting adjourned repeatedly at the instance of the accused person and he is also found absent before this Court on 28.08.2024.

Heard both sides on the point of adjournment.

It is now 5:45 p.m.

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

Fix **19.09.2024** 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.

To-date i.e. on **19.09.2024** for hearing of the petition dated 11.09.2024 filed on behalf of the accused person namely Panchanan Ghorai praying for issuance of notice or summons upon the accused person namely Panchanan Ghorai.

Written objection, if any, in the meantime.

Fix **19.09.2024** 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.

The accused persons namely (i) Manobrata Jana and (ii) Balai Charan Maity are remanded to J.C. till date.

The I.O. is directed to take necessary steps to ensure production of the C.D. on the next date fixed.

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.

