

NIA SPECIAL 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. 52 dated 12.02.2025

Put up petition along with a separate petition has been filed on behalf of the prosecution/NIA praying for declaring witnesses as Protected Witness nos. "H", "I" and "J" and recording statement u/s 164 of Cr. P.C. equivalent to section 186 of BNSS of the protected witness nos. "H", "I" and "J".

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, Ld. Special P.P. for NIA stated that during investigation few independent witnesses were declared as Protected witnesses vide order dated 22.08.2024 and 27.01.2025 passed by this Court and out of those witnesses three Protected witnesses "H", "I" and "J" have agreed to adduce the statement before the Ld. Magistrate" u/s 164 of Cr. P.C. equivalent to section 186 of BNSS and therefore Ld. Special P.P. for NIA prays for passing order (s) 1) to direct the concerned Magistrate to record statement u/s 164 of Cr. P.C. equivalent to section 186 of BNSS of the protected witness nos. "H", "I" and "J" and ii) to direct the concerned Magistrate to supply copies of the statements to the CIO in the interest of investigation.

On perusal of the case record it transpires that this Court vide order no.41 dated 22.08.2024 allowed the Prayer of the Prosecution/NIA to declare one witness as Protected witness no. "H" and also for keeping his name and particulars confidential.

Record further reveals that this Court vide order no.48 dated 27.01.2025 allowed the Prayer of the Prosecution/NIA to declare three witnesses as Protected witness nos. "I", "J" and "K" and also keeping their names and particulars confidential

Having heard the submission of the Ld. Special P.P. of NIA regarding examination of the Protected Witness nos. "H", "I" and "J" u/s 164 of Cr. P.C. equivalent to section 186 of BNSS and considering the ground assigned therein as well as for proper and thorough investigation of this case, prayer of NIA is allowed.

In view of such circumstances, Ld. Chief Metropolitan Magistrate, Calcutta is directed to take necessary steps to record the statement of the Protected Witness nos. "H", "I" and "J" maintaining the guidelines of recording statement of the protected witnesses and also directed to forward a copy of the statement each of the Protected Witness nos. "H", "I" and "J" to this Court for handing over the same to the C.I.O. in sealed condition.

The I.O. of this case shall disclose confidentially the gender of the protected witness nos. "H", "I" and "J" to the Ld. CJM, Calcutta for taking appropriate steps by him with regard to sending the record before the Ld. Magistrate who shall record such statements of the protected witness nos. "H", "I" and "J".

I.O. of this case is further directed to produce the Protected Witness nos. "H", "I" and "J" before the concerned Ld. Metropolitan Magistrate, Calcutta on the stipulated date for recording statement u/s 164 of Cr. P.C. equivalent to section 186 of BNSS.

Copy of this order along with the three sealed envelopes containing particulars of the Protected Witness nos. "H", "I" and "J" be supplied to the Ld. Chief Metropolitan Magistrate, Calcutta for information and necessary compliance.

To-date i.e. on **28.02.2025** for production of the accused persons and further order.

Let a copy of this order be sent to the Prosecution/NIA through Ld. Special P.P. of 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.

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