

NIA Case No 02 of 2020
CNR-WBCS01-000705-2020
Present: Shri Sukumar Ray
Chief Judge,
City Sessions Court, Calcutta.
JO Code No: – WB00590.

Order No. 61 dated 14.01.2026

1. Today is slated for appearance of all the accused persons and passing of order in respect of petition dated 27.03.2025 filed on behalf of the accused person namely Chhatradhar Mahata under section 227 of the Code of Criminal Procedure.
2. Accused person, namely Chhatradhar Mahata is present by filing hazira.
3. Accused persons namely Ashok Mahato and Santosh Mahato are absent and being represented by their Ld. Advocates under section 317 of the Cr.P.C.
4. Accused persons Badal Mahata, Lakkhiram Hembramon, Rajinath Tudu, Sundar Mandi, Chandra Sekhar Mahata, Jayram Bera @ Jay Bera @ Jaydeb Bera, Bidyut Singha, Raju Adak, Dilip Kumar Mahata, Bhudeb Mahata, Sasadhar Dolui, Arun Mahata and Chittaranjan Samanta are found absent on calls.
5. No steps is taken on behalf of the above named accused persons.
6. Ld. Public Prosecutor is present.
7. Ld. Advocates the accused persons are present.
8. Now, the petition under section 227 of the Code of Criminal Procedure filed on behalf of accused Chhatradhar Mahata is taken up for passing order.
9. Ld. Advocate for the accused person Chhatradhar Mahata prays for discharging of this accused on the grounds that–
 - (a) the NIA has no power to take over this case as the offence is not the Schedule Offence;
 - (b) the sanction order is totally illegal;
 - (c) the entire allegations against him are totally false;
 - (d) the accused person has no role to play in the offence alleged and
 - (e) there is no document to implicate this accused person in the alleged offence;
10. Ld. Advocate for the accused/petitioner submitted that this accused/petitioner has been falsely entangled in this case and there is no document or evidence to show that this accused/petitioner is a member of band terrorist organization. He further submitted that NIA took up the case illegally. So, he prays for discharge of the accused/petitioner from this case.
11. Per contra, Ld. Special Public Prosecutor submitted that the allegations against the accused person are very serious in nature and there are sufficient materials against the accused to frame charge. He further submitted that in the name of consideration of documents the Court cannot conduct a 'mini trial'. So he prays for dismissal of the application in limini.
12. I have carefully perused the materials available in the case record.
13. The point raised by the Ld. Advocate for the accused cannot be ascertained/appreciated at this stage. In course of trial, if the point raised by the accused is not substantiated by the prosecution by cogent and unimpeachable evidence, such matter shall be decided in favour of the accused. One should not oblivious that at this stage Court is neither supposed to hold a

'mini trial' nor the law permits it. All that the Court is to consider that taking into account the face value of the evidence as true, conviction is warranted or not.

14. In **Dilwar Balu Kurane Versus State of Maharashtra; (2002) 2 Supreme Court Cases 135** in dealing with a case under Prevention of Corruption Act the Hon'ble Apex Court has observed that – ".....In exercising powers under Section 227 of the Code of Criminal Procedure, the settled position of law is that the Judge while considering the question of framing the charges under the said section has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out; where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained the court will be fully justified in framing a charge and proceeding with the trial; by and large if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully justified to discharge the accused, and in exercising jurisdiction under Section 227 of the Code of Criminal Procedure....".
15. In **State of Bihar Vs Ramesh Singh, AIR 1977 Supreme Court 2018** it was held that - "..... Reading Ss. 227 and 228 together in juxtaposition, as they have got to be, it would be clear that at the beginning and the initial stage of the trial the truth, veracity and effect of the evidence which the prosecutor proposes to adduce are not to be meticulously judged. Nor is any weight to be attached to the probable defence of the accused. It is not obligatory for the Judge at that stage of the trial to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt or otherwise of the accused is not exactly to be applied at the stage of deciding the matter under S. 227 or S. 228 of the Code. At that stage the Court is not to see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction..."
16. In **Ram Prakash Chadha vs State of Uttar Pradesh reported in AIR 2024 Supreme Court 3540** the Hon'ble Apex Court observed that at the stage of consideration of such an application for discharge, defence case or material, if produced at all by the accused, cannot be looked at all. Once "the record of the case and the documents submitted therewith" are before the Court they alone can be looked into for considering the application for discharge and thereafter if it considers that there is no sufficient ground for proceeding against the accused concerned then he shall be discharged after recording reasons therefore.
17. The Hon'ble Court again observed that the strong suspicion in order to be sufficient to frame a charge should be based on the material brought on record by the prosecution and should not be based on supposition, suspicions and conjectures. In other words, in order to be a basis to frame charge the strong suspicion should be the one emerging from the materials on record brought by the prosecution.
18. The court, at this stage, is required to go through the materials submitted with the complaint and Relied upon documents. But the court is not required to make any roving enquiry with regard to the charges to be framed against the accused person. The court is also not required

to go deeper into the different kinds of evidence collected during investigation. What the Court is required to do is to make a prima facie finding based upon the satisfaction reached at by taking into consideration the materials in the complaint, and upon hearing both the parties.

19. At this stage of framing of charge court is not required to get it satisfied by analysing the materials collected and produced by the investigating officer in the same manner as the court is required to satisfy itself during trial of the case. Therefore, dissatisfaction at the stage of framing of charge and satisfaction during trial with regard to the materials brought before the court vis-a-vis the accusation against the accused is completely different. During trial the court has to record its finding on the basis of proof beyond reasonable doubt but at the time of framing of charge the court is not required to apply the said rule. A prima facie finding is enough. Even a strong suspicion is sufficient to frame charge against the accused person.
20. From a careful examination of the materials available on record, it prima facie appears that this accused person was leading a joint group of Communist Party of India (Marxist-Leninist) and its frontal organization, PSBJC and under his leadership a deep rooted conspiracy was hatched with common intention to commit riot, unlawful assembly, kidnapping/abducting, house-trespass, cordoning off villages, murder of Prabir Mahata and other innocent villagers of many villages in Binpur Block for the purpose of creating terror in the mind of innocent villagers.
21. Considering all of above, it appears to me that the instant application praying for discharging the accused Chhatradhar Mahata is devoid of merit.
22. Accordingly, the petition dated 27.03.2025 filed by the accused Chhatradhar Mahata praying for discharging him from this case stands disposed of in the **negative**.
23. Fix **05.03.2026** for appearance of all the accused persons and for consideration of charge.
24. The accused persons, on Court bail, are as before.
25. The sureties are directed to produce all the accused persons on the date fixed positively.
26. Let a copy of this order be sent to the Investigating Officer of NIA through the Ld. Public Prosecutor for information.

Dictated & corrected by me,

Chief Judge
City Sessions Court, Calcutta.

Chief Judge
City Sessions Court, Calcutta.