

SESSIONS CASE NO 71 OF 2022  
CNR-WBCS01-001195-2022  
Present: Sri Soumendra Nath Das  
Chief Judge, City Sessions Court, Calcutta  
J.O. CODE NO.WB01132

Order no.43 dated 07.06.2024

Today is fixed for production of the accused persons, hearing of the petition u/s 227 of Cr. P.C. dated 09.05.2024 filed on behalf of both the accused persons praying for discharging the accused persons from the Scheduled Offences i.e. sections 16, 18, 18B, 38, 39 of UA (P) Act, 1967 and Consideration of charge.

The Accused no.(A-1), Jayeeta Das @ Rumpa is produced before this Court from J.C. in virtual mode.

Received one report from the Superintendent of Alipore Women's Correctional Home communicated vide office letter no.1838/AB dated 06.06.2024 regarding non production of the Accused no.(A-1), Jayeeta Das @ Rumpa before this Court in physical mode.

As the Accused no.(A-1), Jayeeta Das @ Rumpa is produced before this Court from J.C. in virtual mode, let the same be kept with the record.

The Accused no.(A-1), Jayeeta Das @ Rumpa is identified by the Jail Authority and she expressed before this Court that she could see and hear the entire court proceedings without any technical glitch.

The Accused no.(A-2) Pratick Bhowmik @ Kanchan who is on Court Bail in this case is produced before this Court from the J.C.

Ld. Counsels for the accused persons and the Ld. Special P. Ps. are present today.

The record is taken up for hearing of the petition u/s 227 of Cr. P.C. dated 09.05.2024 filed on behalf of both the accused persons praying for discharging the accused persons from the Scheduled Offences i.e. sections 16, 18, 18B, 38, 39 of UA (P) Act and Consideration of charge.

At this juncture, a petition has been filed on behalf of the Prosecution stating that reply could not be made ready on the ground stated therein and as such an adjournment has been prayed for.

Heard both sides on the point of adjournment.

Prayer for adjournment is considered and allowed.

At this juncture, Ld. Counsel for the Accused no.(A-2) Pratick Bhowmik @ Kanchan submits that the I.O. has already submitted one report in respect of the petition dated 26.02.2024 filed by the Accused no.(A-2) with regard to handing over the educational certificates of the accused/petitioner no.(A-2) and prays for passing necessary order.

It is stated in the petition dated 26.02.2024 filed by the Accused no.(A-2) Pratick Bhowmik @ Kanchan that educational certificates of the accused/petitioner were seized by the Investigating Agency and the accused/petitioner is inclined to continue his higher education for which all the educational certificates are required.

Ld. Counsel for the Accused no.(A-2) Pratick Bhowmik @ Kanchan further stated in the said petition dated 26.02.2024 that all the educational certificates are lying with the Investigating Agency and therefore prays for a direction upon the Prosecution to handover the educational certificates of the accused/petitioner so that the accused/petitioner may continue his higher studies.

It transpires from the case record that the I.O. of this case filed one report on 19.04.2024 with regard to handing over of educational certificates to the accused person No.(2) Pratick Bhowmik in terms of order no.37 dated 20.03.2024 passed by this Court.

It is stated by the I.O. in the report dated 18.04.2024 that during investigation of the case the documents seized along with other documents on 29.03.2022 are as follows:

- 1) One school leaving certificate in the name of Pratick Bhowmick issued by Aranghata Upendra Memorial Instituion.
- 2) One registration certificate issued by W.B. Board of Secondary Education in the name of Pratick Bhowmick.
- 3) One Admit card issued by W.B. Board of Secondary Education in the name of Pratick Bhowmick.
- 4) One Marksheet of Madhyamik Pariksha, 2012 in the name of Pratick Bhowmick.
- 5) One pass certificate issued by W.B. Board of Secondary Education in the name of Pratick Bhowmick.
- 6) One registration certificate issued by W.B. Council of Higher Secondary Education in the name of Pratick Bhowmick.
- 7) One Admit card issued by W.B. Council of Higher Secondary Education in the name of Pratick Bhowmick.
- 8) One Marksheet of Higher Secondary Examination issued by W.B. Council of Higher Secondary Education in the name of Pratick Bhowmick.
- 9) One certificate issued by W.B. Council of Higher Secondary Education in the name of Pratick Bhowmick.
- 10) One certificate of Annual Intra University Competition issued by Bidhan Chandra Krishi Viswavidyalaya, Nadia in the name of Pratick Bhowmick.
- 11) One certificate of 16<sup>th</sup> All India Agricultural Universities Youth Festival issued by Orissa University of Agriculture & Technology in the name of Pratick Bhowmick.
- 12) One final grade card of B. Sc. (Ag.) Hons. Issued by Bidhan Chandra Krishi Viswavidyalaya, Nadia in the name of Pratick Bhowmick.
- 13) One certificate of registration issued by Bidhan Chandra Krishi Viswavidyalaya, Nadia in the name of Pratick Bhowmick.

It is further stated in the said report that Prosecution has no objection in handing over the above mentioned documents to the accused person No.(2) Pratick Bhowmik under such condition that those will be produced by the accused/petitioner before this Court as and when called for keeping the photocopies of each of the above documents in the case diary and hence it was prayed for passing necessary order.

Ld. Special P.P. prays for passing necessary order with regard to handing over the educational certificates of the accused/petitioner no.(A-2) in terms of the report of I.O. wherein the views of the Prosecution has been clearly expressed.

Heard both sides.

Perused the report dated 18.04.2024 filed on behalf of the Prosecution and it is explicit from the report that the Prosecution has no objection with regard to handing over of the educational certificates of accused person namely Pratick Bhowmick as mentioned in the report dated 18.04.2024 filed by the I.O. of this case to the accused/petitioner no.(A-2) namely Pratick Bhowmik.

In view of such submission of the Ld. Special P.P. and upon consideration of the report dated 18.04.2024 of the AC (II) STF, Kolkata filed before this Court on 19.04.2024, this Court gives liberty to the Prosecution side to hand over the educational certificates as mentioned in the report dated 18.04.2024 to the accused/petitioner no.(A-2) namely Pratick Bhowmik on furnishing a PR bond of Rs.500/- with a direction upon the accused/petitioner no.(A-2) namely Pratick Bhowmik not to change the nature and character of those educational documents with a further direction to produce those educational documents before this Court as and when called for.

Prosecution is given liberty to hand over the educational certificates as mentioned in the report dated 18.04.2024 to the accused/petitioner no.(A-2) namely Pratick Bhowmik. The documents are to be returned only after certified copies of the documents are kept with the record as well as with the case diary.

The Superintendent of Alipore Women's Correctional Home is directed to ensure production of the Accused no.(A-1), Jayeeta Das @ Rumpa before this Court on the date fixed.

On submission of both sides, fix **21.06.2024** for production of the accused persons, hearing of the petition u/s 227 of Cr. P.C. dated 09.05.2024 filed on behalf of both the accused persons praying for discharging the accused persons from the Scheduled Offences i.e. sections 16, 18, 18B, 38, 39 of UA (P) Act and Consideration of charge and submission of report by the I.O. of this case after handing over the educational certificates to the accused/petitioner no.(A-2) namely Pratick Bhowmik.

Written objection, if any, in the meantime.

To-date i.e.**21.06.2024** for production of the Accused nos.(A-1), Jayeeta Das @ Rumpa and (A-2) Pratick Bhowmik @ Kanchan before this Court.

Let a copy of this order be sent to the Superintendent of Alipore Women's Correctional Home for information and necessary compliance.

Let a copy of this order be sent to the I.O. of this case through concerned O/C for information and necessary action.

D/C by me.

Sd./-

Chief Judge  
City Sessions Court, Calcutta

Chief Judge  
City Sessions Court, Calcutta