

**In the Court of Special Judge (under NDPS ACT)-cum-Additional District & Sessions Judge 3rd
Court, Dakshin Dinajpur at Balurghat.**

Special Case No. 99 of 2022 (CIS NO- 182/2022)

CNR Number : WBDD01-002853-2022

**Present: Shri. Ajayendra Nath Bhattacharya, Special Judge (under NDPS ACT)-cum-Additional
District & Sessions Judge 3rd Court, Dakshin Dinajpur at Balurghat. (JO Code : WB00819)**

Order No. 16

29-05-2023

Case record is put up on receipt of charge sheet.

Received Charge Sheet from the I.O. of the case which be tagged with the case record. The details of Charge Sheet is - Charge Sheet No. 201/23 dated 29.05.2023 Under Section 21(c) of the NDPS Act,1985 against the accused person namely:

1.Kaimuddin Miah

Charge Sheet seen. Let it be kept with the record.

On perusal of the said charge sheet it is found that though the instant case was initially started against two persons namely, Kaimuddin Miah and Aminul Islam, the IO has only submitted CS against Kaimuddin Miah and has not prayed for discharging the said Aminul Islam from this case. It is clearly mentioned in the CS that the IO could not gather sufficient materials against Aminul Islam. In such a situation it is quite astonishing as to why the IO did not pray for discharging Aminul Islam from this case by not sending him up in the charge sheet. It is further found from the charge sheet that the IO has informed the Court that he is trying to collect further evidence against Aminul Islam and may submit charge sheet against him in future. The charge-sheet further reveals that the IO has been instructed by his superior authorities to file CS in this manner.

The name of accused Aminul Islam had revealed from the statement of accused Kaimuddin Miah as is found from the written complaint. It is also found from the CD that all the material witnesses in connection with this case have been examined and all other formalities like chemical examination of the contraband articles have already been completed. In such a situation, if the IO submits that he could not collect any material against Aminul Islam it means that the investigation did not reveal the involvement of the said person in the present case. It also means that the IO did not believe the statement of Kaimuddin Miah and the recitals of the written complaint in this regard. On the other hand, if the IO says that more materials are likely to come up in this case, it goes to show that the investigation of this case has not been completed and the IO had submitted CS without completing the investigation. It is beyond the comprehension of this Court as to what prompted the IO to file a piecemeal CS in that case without fully completing the investigation.

It appears to this court that the sole purpose of the IO in file the charge-sheet in such a manner is only to give an impression to this Court that the investigation has been completed and thereby prevent the accused person from obtaining the benefit of statutory bail.

Such cunning tactics on the part of the investigating agency amounts to misleading the Court and interfering with the process of administration of justice.

In such a situation the IO of this case namely, SI Subrata Sarkar of CID, Dakshin Dinajpur is hereby directed to appear in person before this Court on the next date and submit a written explanation as to what prompted him to be so adamant to misguide the Court by submitting incomplete report of investigation in this case.

The charge-sheet is not accepted.

Let a copy of this order be sent to SI Subrata Sarkar of CID, Dakshin Dinajpur for information and necessary compliance.

To date **03.06.2023** for production and report in final form.

Dict & Corr by

**ADJ, 2nd Court in-charge of (NDPS
ACT)-cum-ADJ, 3rd Court,
Balurghat,Dakshin Dinajpur.**

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