

S.T 26(09)2025

S.C 131/2025

CNR no.WBHG01-002269-2025

Order no.04 dated 07.11.2025

Today is fixed for evidence of CSW-1. Five accused persons namely Hakim Mahammad, Sahin Aktar, Umar Faruque, Mansur Alam and Gulam Mustafa are physically produced before me from Hooghly District Correctional Home. Rest three accused persons namely Roushan Zamal, Md. Mumtazul Islam and Md. Nishek Alam are produced through V.C mode from Maldah District Correctional Home. Two witnesses namely Abhishek Pal and Kaushik Ghosh are present before me as per the witness list provided by the learned prosecution.

Before evidence of witness Abhishek Pal to be started, one petition u/s 230 of the BNSS is filed along with fresh power on behalf of the accused persons namely Md. Nishek Alam, Roushan Zamal, Md. Mumtazul Islam @ Juel, Gulam Mustafa, Monsur Alam and Sahin Aktar. The aforesaid petition is moved before me after copy service upon the State.

Written objection has been filed by the prosecution side after copy service upon the defence.

Heard both sides present. Considered.

The learned Advocate for the aforesaid accused persons representing them by filing fresh power today, submits that they are entitled to receive the copy of the police papers as per section 230 of the BNSS and if it is not done, they shall suffer prejudiced and cannot prepare themselves for defending the case.

The learned prosecution in reply submitted that they have already supplied the copy to the accused side and so, another set of copy u/s 230 of the BNSS need not be provided.

In course of the hearing of the instant petition, the learned Advocate previously on record for the aforesaid accused persons submitted frankly and with considerable force that they have already received the police papers within the meaning of section 230 of the BNSS and after the said compliance, on the previous occasion charges were framed against the accused persons.

The learned Advocate for the accused persons appeared by power today further submitted that they are entitled to get the copy of electronic data kept in this disc to prepare their defence.

The learned prosecution submits that they have provided the entire materials collected during investigation and therefore, there is no basis to again supply the same to the accused persons who appeared by filing power today. It is the tactics of the accused persons to bulldoze the progress of the case by frequently changing their Counsel and thereby to drag the case for indefinite period of time. However, he ensures to supply the unrelayed documents and the relayed documents if not supplied before to the accused persons.

Now, let us deal and dispose of the matter on hand.

Considering both sides submissions in view of the petition on hand and the written reply thereof, I am of the view that the prosecution party should supply all the documents relied upon and not relied upon which were part of the investigation, to the accused party as also the electronic data kept in disc etc.

The petition as above, now stands disposed of, fixing **24.11.2025** for supplying the materials to the accused party, in view of the above order and direction by the I.O in presence of the prosecution, if not provided before.

Now, Abhishek Pal is examined as P.W-1. His cross-examination is deferred on the prayer of the defence.

After completion of examination-in-chief of P.W-1, copy of the entire set of documents (police papers) has been supplied to the accused party appeared by power today.

To **05.12.2025** for cross-examination of P.W-1 without fail.

Dictated & corrected by me

Additional Sessions Judge,
1st Court. Chinsurah
J.O Code no.WB00753

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