

S.T 30(05) 2023
S.C. No. 207 of 2022
CNR no.WBHG-01-004745-2022

Order No.01
Dt.18.05.2023

The accused persons namely 1. Mantu Chowdhury, 2. Babu Pal @ Gautam, 3. Sekhar Dey, 4. Prosenjit Bapari, 5. Babai Bala, 6. Tanmoy Howladar @ Tapas and 7. Sanjay Roy @ Bihari are present by filing hazira.

The learned P.P- in-charge is present.

The learned P.P- in-charge opens up the case by describing the charge brought against the accused persons and the materials with which he proposes to prove the guilt of the accused persons.

Heard the learned P.P- in-charge and the learned Advocate for the accused persons.

Perused the C.D and other materials on record and it seems to be that there are sufficient grounds for framing the charge against the accused persons for the offence u/s **307/34/120B/34 of Indian Penal Code and u/s 25/27/34 of Arms Act, 1959 read with section 34 of Indian Penal Code** against the accused persons namely 1. Mantu Chowdhury, 2. Babu Pal @ Gautam, 3. Sekhar Dey, 4. Prosenjit Bapari, 5. Babai Bala, 6. Tanmoy Howladar @ Tapas and 7. Sanjay Roy @ Bihari and there is a prima facie case against the accused persons 1. Mantu Chowdhury, 2. Babu Pal @ Gautam, 3. Sekhar Dey, 4. Prosenjit Bapari, 5. Babai Bala, 6. Tanmoy Howladar @ Tapas and 7. Sanjay Roy @ Bihari for the offence u/s **307/34/120B/34 of Indian Penal Code and u/s 25/27/34 of Arms Act, 1959 read with section 34 of Indian Penal Code .**

Accordingly, charge is framed for the offence u/s **307/34/120B/34 of Indian Penal Code and u/s 25/27/34 of Arms Act, 1959 read with section 34 of Indian Penal Code** against the accused persons namely 1. Mantu Chowdhury, 2. Babu Pal @ Gautam, 3. Sekhar Dey, 4. Prosenjit Bapari, 5. Babai Bala, 6. Tanmoy Howladar @ Tapas and 7. Sanjay Roy @ Bihari and contents thereof is read over and explained to them to which they pleaded not guilty by saying 'Amara nirdosh' and claimed to be tried. Formal charge is kept with the record in separate sheet.

Fix 13.07.2023 for evidence of C.S.W-1.

Dictated & corrected by me

Sd/-

Additional Sessions Judge
1st A.D.J, Chinsurah

Sd/-

Additional Sessions Judge
1st Court, Chinsurah.

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Later order no.01 dated 18.05.2023

Soon after the charge as above is being read over and explained to the accused persons and they in all pleaded not guilty and claimed to be tried, the learned Advocate for the accused Sekhar Dey @ Shekar De submits that the petition dated 06.04.2023 has not been disposed of.

It is made clear here that the learned Advocate on record for the accused Sekhar Dey was present inside the Courtroom when the charge was framed against the accused persons including his client Sekhar Dey.

I have heard the learned Advocate for the accused Sekhar Dey who submits that section 307 IPC and sections 25/27/35 Arms Act is inapplicable to this accused as per materials in C.D and the case record.

This is not understood why this submission is made by the learned Advocate after the charge is already framed today against the accused Sekhar Dey and other accused persons. There no scope now to agitate over the matter. Such contention shall be tested during the trial of the case.

The petition dated 06.04.2023 is thus rejected as it calls for no action after the charge is framed against the accused Sekhar Dey with other accused persons.

The aforesaid petition stands disposed of.

To date.

Dictated & corrected by me

Sd/-

Additional Sessions Judge
1st A.D.J, Chinsurah

Sd/-

Additional Sessions Judge
1st Court, Chinsurah.