

Order No.3  
dtd.08.09.2025

Today is the date for appearance and consideration of charge, as well as hearing of the bail application on behalf of the accused persons.

All the three accused persons are produced from ACCH.

Ld. PP is also present. On behalf of the prosecution Ld. Advocate Surhid Majumder, representing the Investigating Officer, separately files a petition together with a supplementary charge sheet, along with the results of forensic examination, CAF and CDR report, experts certification u/s 63 (4) and others expert report in originals.

Copies of all the documents are severed to the Defence.

As a matter of fact, the original charge sheet was submitted before Ld. CJM, Alipurduar on 03.07.2025 and cognizance was taken in **terms of 210 of B.N.S.S** and thereafter, it was committed by Ld. Magistrate vide its order 29.07.2025 to which Ld. District & Sessions Judge was pleased to apply its mind in terms of **Section 213 of B.N.S.S** and transferred it to this Court for its trial and disposal. There is no prescribed procedure in law forbidding the submission of supplementary charge sheet directly to this Court. The facts remains that the IO through PP approached this Court and the copy of supplementary charge and all others documents are being duly supplied to the accused persons/Ld. Advocate, in adherence to the provision as laid down under **Section 230 of B.N.S.S** and the case in hand is at very nascent stage, and will caused no prejudice to the accused persons.

Hence, the supplementary charge and all the original documents so appended with the supplementary charge sheet is accepted and kept with the record.

Upon perusal of the case record, the charge sheet and other materials so far been collected the IO of this case, shows sufficient materials and prima facie to frame the charge against the accused persons.

Accordingly, the case record is taken up for framing charge.

The substance of the accusation to the effect that on 07.04.2025 at about 23.00 hrs when the colleague of the complainant Ajay Mondal was performing his night duty at Indian Oil Petrol Pump at Chaltala, Samuktala was found lying on the floor of Petrol Disbursing Kiosk with heavy bleeding from his head, therefore, he was shifted to the hospital on very critical condition. On inspection of CCTV installed at the petrol pump, it is seen that three unknowing miscreants shot him with fire arms on his head. During investigation the IO of this case collected sufficient evidences against the accused persons and the fire arms was also seized from the possession of the accused persons. Thus, a charge has been framed in terms of **Section 118 (2)/119/238/309 (6) of BNS r/w section 25/27 Arms Act**. On being asked each of the accused persons claimed their innocence by saying '*ammra nirdosh*' and claimed trial.

A formal charge has been framed in a separate sheet of paper and kept with the record.

Now the petition for bail is taken up for hearing.

Ld. Advocate for the accused persons submitted that these accused persons are falsely implicated in the instant case and the charge sheet has already been submitted. Therefore, there is no question of tampering evidence. Hence, prays for bail on any stringent condition.

Ld. PP for the prosecution raised vehement objection and contended that the application for bail with respect to the accused persons were moved before **Hon'ble Court** and the same has been **rejected**. That a part the accused persons are habitual offenders and in those cases the IO already submitted charge sheet showing their involvement. Hence, prays for repeating the bail prayer.

In view of the above submission, upon perusal of case record and case diary, as well as keeping in mind the nature of allegation labeled against the accused persons, and as the accused persons are also involved in other criminal cases of grave nature. That apart the victim is still in Coma. Therefore, the above factions shows the antecedents of the accused persons and the apprehension still persist, and it would not be proper to enlarge the accused persons on bail.

**Thus, the prayer for bail stands rejected.**

Fix (after vacation) 03.11.2025 CSW 1.

Fix 04.11.2025 CSW 29.

Fix 06.11.2025 CSW 30.

Fix 07.11.2025 CSW 2 & 3.

Fix 10.11.2025 CSW 4 & 5.

Fix 11.11.2025 CSW 6 & 7.

**Issue summons accordingly.**

UTP accused are remanded to J/C and sent back to ACCH with direction to produce them on the next date fixed above.

Dictated & corrected by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

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FTC-II, Alipurduar,  
(WB-01097)