

SC 183/2024

Order No.3
dtd.10.04.2025

Today is the date fixed for hearing of petition and framing of charge.

All accused of CB are present by filing hazira.

Ld. PP in charge also files hazira.

However, it is submitted that the original PP in charge has went to Hon'ble High Court Circuit Bench at Jalpaiguri and such CD is not available. Therefore, charge could not be framed as well as Ld. PP in charge appearing for prosecution failed to start her prologue in term of **section 249 BNSS**.

Ld. Advocate for the accused filing a separate petition prays for release seized **Motor Cycle and Mobile phone**.

Ld. PP in charge raised formal objection.

Having heard the submission of Ld. Advocate for both sides and upon perusal, of case record it is apparent that the present case was started on 11.07.2024 **u/s 140 (1) of BNS** read with **section 25/27 Arms Act** from the lower Court record it is also apparent that the petitioner moved a petition before the lower Court on 25.09.2024 and Ld. ACJM was pleased to call for the report from the IO but it is unfortunate to note here that, no such order regarding the disposal of seized articles was passed.

From record it is apparel that IO of this case even though submitted a initial report raising objection for release of this seized **Motor Cycle and Mobile phone** vide his report dated 04.10.2024.

As a mater of fact it is mandatory duty cast upon the Court and the police officer for compliance of provision as in corporate **u/s 497 of BNSS** which is implemented through out this country w.e.f. 01.07.2024 and it is duly cast upon the IO of this case produce seized articles before the Court within the time stipulated as **u/s 497 of BNS** and it ought have been disposed off as per law.

In the above factual background and keeping in mind the prayer made by the petition for release of the seized articles (**Motor Cycle and Mobile phone**). I am again constrained to direct OC, Jaigaon PS submit a detail report in terms of **section 497 of BNSS** for release of seized **Motor Cycle and Mobile phone** positively by **25.04.2025**.

Let the copy of this order be transmitted at once to **OC, Jaigaon PS through the Superintendent of Police, Alipurduar** for it compliance.

In the mean time Ld. PP in charge is also requested to place her prologue and opening statement in **terms of 249 BNSS**.

Fix 25.04.2025 for report from the IO and framing of charge.

Dictated & corrected by me ;

Addl. Sessions Judge,
Fast Track 2nd Court, Apd.

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Fast Track 2nd Court, Apd.
(WB-01097)