

**N.D.P.S. Case No. 41/2022**

**Order No. 95, dated 01.09.2025.**

Today is fixed for production, appearance and hearing of the petition dated 20.08.2025.

The three accused persons, namely Asraf Ali @ Firoj, Atabur Rahaman and Rejaul Ali @ Khokan Sk. are produced from JC and remanded to JC.

One other accused person namely Morjina Khatun on court bail is present by filing hazira.

Ld. Special Public Prosecutor and Ld. Defence Counsels are present.

I.O. is also present with CD.

The record is taken up for hearing of the petition dated 20.08.2025 whereby the prosecution has moved a petition praying inter-alia for examination of the present I.O. in the background of the supplementary charge-sheet submitted on 13.08.2025 which is kept with the case record.

Ld. Special Public Prosecutor has contended that the present I.O. of this case took up further investigation of this case on 09.02.2025 as per order of the Competent Authority of STF, West Bengal vide ORG No. 185/25/CRIME/STF, WB dated 08.02.2025. During his submission Ld. Special Public Prosecutor has submitted that during further investigation of this case the present I.O. has collected the additional evidence in the instant case and has found that huge number of money transactions has been done in the name of accused Md. Asraf Ali @ Firoj and Morjina Khatun and their kith and kins. During his part of investigation, the present I.O. has also found that the FIO of this case has submitted freezing/seizing order in respect of Illegal Accord Property (IAP) dated 11.04.2025 u/s. 68 F(1) of the NDPS Act and in the said order total IAP was found to be for a sum of Rs. 31,91,28,794.00/- and the said amount so freezed was confirmed by the Competent Authority on 09.05.2025. He has further contended that taking into consideration that the evidence so collected by the present I.O. during further investigation and the materials collected on records it was ascertained that huge amount was deposited in the account of the accused persons and transferred to other accounts by using their bank accounts which were the proceeds of the crime related to the instant case which is punishable u/s. 27A of the NDPS Act. He has also apprised this court that this Ld. Court has already framed charge against the accused persons u/S. 27 of the NDPS Act and the materials brought on record in terms of the supplementary charge-sheet by the present I.O. of this case necessitated the circumstances to accept the charge-sheet and allow the prayer of the I.O. so that the present I.O. may be examined as a witness in this case. In this background, Ld. Special Public Prosecutor has prayed before this court for examination of the present I.O.

On the contrary, Ld. Advocate for the Defence/accused persons has raised objection stating therein that this is a dilatory tactics on the part of the prosecution to delay the trial. He has further submitted that though there is no bar in law regarding submission of supplementary charge-sheet by the I.O. of this case, the submission of the supplementary charge-sheet at the fag end of the trial when the matter is pending for argument stage, it will

only delay the trial if the prayer of the Investigating Agency / Prosecution is allowed by the Ld. Court. He has further contended that if the prayer of the I.O. is allowed at this stage, the interest of the accused persons shall be prejudiced. In this background, Ld. Advocate for the Defence has prayed not to allow the instant application moved by the Investigating Agency/Prosecution.

Heard the rival submissions at the Bar.

Considered.

Perused the case record, supplementary charge-sheet and the CD and I do find that the Investigating Agency has submitted additional documents in terms of supplementary charge-sheet. The materials available in the supplementary charge-sheet collected during further investigation by the present I.O. of this case shows that a huge amount of money was found to be transacted between different accounts of the parties and the accused persons. From the supplementary charge-sheet, it also transpires that the FIO has passed freezing/seizing order in respect of the Illegal Accord Property vide order dated 11.04.2025 u/s. 68 F(1) of the NDPS Act for an amount of Rs. 31,91,28,794.00 /- and the said amount had been confirmed by the Competent Authority on 09.05.2025. It is trite law that normally the Investigating Officer is required to produce all the relevant documents at the time of submitting charge-sheet. However, there is no specific prohibition if additional document is produced by way of supplementary charge-sheet if the facts and circumstances of the case so demands. Further the scheme of Section 173(8) of the Cr.P.C. also makes it evidently clear that even after the charge-sheet is submitted, further investigation, if called for, is not precluded. If further investigation is not required then there is no requirement to produce additional documents which were gathered prior to or subsequent to the investigation. The term 'further investigation' stipulated in Section 173(8) of the Cr.P.C. obligates the Investigating Agency to 'obtain further evidence oral or documentary' and only then forward a supplementary report regarding such evidence in prescribed form. However, in such cases no prejudice to the accused persons may be caused and the prosecution ought not to be allowed to fill up any lacuna during trial.

In light of the above discussions, the instant application moved by the prosecution on behalf of the Investigating Agency is considered and allowed.

Hence, the supplementary charge-sheet taken up on record is accepted.

The prosecution is allowed to examine the present I.O. of this case.

The prosecution is also directed to supply the necessary documents to the accused persons upon which reliance has been placed in the supplementary charge-sheet so submitted by the present I.O. of this case so that no prejudice is caused to them.

To 04.09.2025 for production, appearance of the accused persons and supply of necessary documents and further order/s.

Dictated & corrected by me,

Judge.  
(J.O. Code WB 01303)

Addl. Dist. & Sess. Judge, 2<sup>nd</sup> Court,  
- Cum -  
Judge, Special Court, Under N.D.P.S. Act,  
Berhampore, Murshidabad.  
(J.O. Code WB 01303)