

In the Court of Sessions Judge, Murshidabad

Present : **Sri Partha Pratim Chakraborty,**
Sessions Judge, Murshidabad
(WB01240)

S. Sl. No. 408/2025

Order No. 9, dated 22.07.2025

Today is fixed for order in respect of petition dated 01.07.2025, production, appearance of the accused persons and SDT.

Three accused persons, namely, Hakim Sk, Reshma Bibi and Tahor Sk are produced from JC through VC.

Learned Counsel for the accused is present and he identified the accused persons during VC.

Out of six accused persons on CB, five accused persons namely, Chhiyatul Biswas, Saheb Mondal, Motaleb Sk, Jahur Sk and Mohur Sk are present by filing hazira.

One accused person, namely, Saidul Ansary, is absent by petition.

The case record is taken up for passing order in respect of the petition dated 01.07.2025.

By filling this application, the accused Tahor Sk @ Tahiruddin Sk sought for direction upon Supdt., Berhampore Central Correctional Home, to permit the accused person to execute the deed and to present the same for registration before the commission formed by concerned District Sub-Registrar, Murshidabad. In the application it has been recited that the accused person is in custody for long time and during this period, to run his family and to meet the litigation cost, he has become indebted, for which he intends to sell out a land standing in his name under Mouza- Kupila, PS- Domkal, District-Murshidabad appertaining to LR Khatian No. 6511, 6636. LR plot Nos. 1438, 1438/2365 comprising an area of 10 decimal with one storied pucca house on it to the intending purchasers mentioned in the petition.

It is admitted position that if it is found that the accused person is the owner of the property in question, he has every right to deal with the said property according to his own choice.

In terms of Paragraph **654D of the West Bengal Jail Code** and keeping in view the observation of the Hon'ble Calcutta High Court passed in the case of **Soma Saha Sen v. State of West Bengal**, reported in **2020 CRI.L.J. 1340**, the petitioner/accused has every liberty to execute the sale deed in favour of the intending purchasers.

So, this court is of the view that prayer as sought for by the accused person can be allowed.

Accordingly, it is

Ordered

that the Supdt., Berhampore Central Correctional Home, Berhampore is directed to permit the accused person, namely, Tahor Sk @ Tahiruddin Sk to execute the deed and to present the same for registration. Such deed may be registered by way of commission at the convenient place in the premises of the Correctional Home where the prisoner is presently housed in terms of proviso to Section 31 of the Registration Act, 1908 and reasonable date would be fixed by Supdt., Berhampore Central Correctional Home, and the Supdt., Berhampore Central Correctional Home, is directed to ensure appropriate security and safety and to do the needful as per law of the land.

The accused person shall supply the date of registration at least 7 days prior to the date of registration to the Supdt., Berhampore Central Correctional Home, Berhampore. In addition to that, Supdt., Berhampore Central Correctional Home shall also ensure that transaction is not mala fide.

Let a copy of this order be sent to Supdt., Berhampore Central Correctional Home, Berhampore for information and necessary action.

To 11.08.2025 for evidence of CSW 1, 2,

12.08.2025 for evidence of CSW 3, 4,

13.08.2025 for evidence of CSW 5, 6,

14.08.2025 for evidence of CSW 7 and 8.

Prosecution is directed to take necessary steps to issue summons upon the charge sheeted witnesses.

Accused as before.

Dictated and corrected by me.

S.J, Msd.

Sessions Judge, Murshidabad.