

Special Case No. 22 of 2023

Order No. 17, dated 10.10.2023.

Both the accused persons, namely Sushil Kr. Barman and Animesh Tiwari, are produced from JC.

Ld. P.P. in-charge, as well as Ld. Defence Counsels are present.

I.O. Ashim Mondal, Inspector of Police, CID, West Bengal, is also present with CD. He filed supplementary charge sheet being No. 521/2023 dated 09.10.2023 u/S. 419/420/465/466/468/471/120B/409/467/201 of IPC read with Section 11/13 of the PC Act, 1988 as amended 2018, against accused Sushil Kr. Barman and Animesh Tiwari.

I.O. files a petition for accepting the supplementary charge sheet.

I.O. files another petition praying for continuing further investigation u/S. 173(8) of the Cr.P.C. against other officials of different authorities and other persons that are required to be completed which may enhance the supporting of prosecution evidence.

Two separate bail petitions are filed on behalf of accused Animesh Tiwari and accused Sushil Kr. Barman.

The bail petitions filed on behalf of accused persons are taken up for hearing.

Ld. Advocate, appearing for accused Animesh Tiwari, submitted that investigation against the said accused has been completed and further detention of the accused behind the bar is not necessary. It is further submitted that the principal accused Asish Tiwari is on bail and Animesh Tiwari should not be blamed for the alleged offence, whatsoever. Thus, he prays for bail of accused Animesh Tiwari.

Bail prayer is made by the Ld. Advocate, appearing on behalf of accused Sushil Kr. Barman submitting that he had committed no offence having nothing role to play about disbursement of salary for the teachers except to accept the proposal of salary bill from the headmaster of school.

Ld. Special P.P. has strong objection as to the prayer for bail.

Having heard the submissions of both the sides and on going through the CD and the materials on record, it appears that the present case was started under the order of the Hon'ble High Court, Calcutta, passed in WPA 24451 of 2022. After submitting original charge sheet, there has been further development and accordingly investigation u/S. 173(8) of the Cr.P.C. is going on and supplementary charge sheet has been filed today against both the accused persons u/S. 419/420/465/466/468/471/120B/409/467/201 of IPC read with Section 11/13 of the PC Act. Accused Asish Tiwari is the headmaster whereas his son Animesh Tiwari is the

Assistant Teacher in Gotha A.R. High School, Dist. Murshidabad. The allegation is that said Animesh Tiwari, in collusion with his father, got appointment as Assistant Teacher in the said school in further collusion and with the help of officials of DI of School (SE) WBBSE, Berhampore, Murshidabad, using false and fake documents.

Considering the materials in CD including statement of witness Sumit Das, recorded u/S. 164 Cr.P.C., I find clear prima facie case against accused Animesh Tiwari. It has already been mentioned for several times in previous orders that Asish Tiwari was granted bail on statutory ground as the charge sheet has not been filed within statutory period and not on merit.

Upon perusal of the CD I find it is eloquent that the accused persons are the key persons who engineered the entire scheme. The another accused Sushil Kr. Barman, being the custodian of all the salary related papers and files of accused Animesh Tiwari, intentionally withheld those documents in collusion with the principal accused as per allegation read with Section 201 IPC. There seems to be a larger conspiracy which is required to be unearth by the prosecution agency to unveil the racket behind the same.

Considering the prima facie materials against both the accused persons and keeping in view that if they be released on bail, there is chance of tampering of evidence and intimidating witnesses, I am not inclined to allow the prayer for bail. Thus, the bail prayers stand rejected.

The prayer for continuing investigation u/S. 173(8) of the Cr.P.C., made by the I.O., for the aforesaid purpose is considered and allowed.

It appears that copies u/S. 207 of the Cr.P.C. have been supplied to the accused persons.

Both the accused persons are remanded to JC till 17.10.2023.

To date (ie. 17.10.2023) for production and appearance.

Return CD.

Dictated and corrected by me,

Judge.

(J.O. Code WB 00687)

ADJ, 2nd Court, Cum,
Judge, Special Court,
Berhampore, Murshidabad.
(J.O. Code WB 00687)