

SC No. 100 of 2025

CNR WBNP06000682-2025

Order No. 24

Date: 26/11/2025

All ten accused are produced before the court from judicial custody. Ld. Advocate for the accused persons are present at 12.05 p.m. and ld. Spl. PP appeared at about 03.00 p.m. Today is fixed for passing necessary order as regard petitions filed by the accused persons.

(1)Petition dated 14/11/2025 regarding free and fair trial:

Ld. Advocate for the nine accused persons filed petition for free and fair and transparent trial of this case on dated 14/11/2025. Ld. Advocate Sri Mukul Biswas submitted that the petitioners are falsely implicated in this case and they are in judicial custody for about one year. He said that copy of charge sheet was not supplied to the accused persons properly. He submitted that due to busy schedule of the ld. Counsel for the accused it is not possible for him to get ready for defence. He submitted that two transfer application were pending but the court proceeded with trial of the case. In this situation accused prayed for free and fair trial for the interest of justice.

In reply ld. Spl. PP submitted that the allegation is baseless and motivated and raised strong objection against the said petition. He further submitted that all the allegations made in the petition was also raised before the ld. District Judge and ld. District Judge has been pleased to reject their application after hearing the defence counsel. He also submitted that already hard copy of more than 4000 pages was supplied to the accused persons. Ld. Spl. PP further submits that documents are voluminous. Soft copy was also given to the accused. Ld. Spl. PP submitted that ld. District Judge has already rejected two applications for transfer of this case to any other court after extensive hearing. He submitted that there is direction of the Hon'ble High Court for recording evidence of 10 witnesses by 31/01/2026. More over speedy disposal is the demand of justice and there is no wrong in fixing day to day trial of this case. Rather it is the law. He submitted, this is nothing but dilatory tactics taken by the accused. Since the ld. District Judge has already rejected their application for transfer this court can't transfer the case in the midst of trial. He further submitted that accused can't choose the forum of trial.

Ld. Advocate for defence submitted that even in the said copies several copies are missing.

Having regard to the submission from both sides, I am of the view that the defence counsel has raised some issues regarding fair trial but on being asked if he is ready to cross examine the witness (PW-4) today Ld. Advocate Sri Mukul Biswas submitted that he is ready for cross examination. Witness Apurba Biswas (PW-4) is found present in court and he can't be returned unexamined without any reason, more particularly when the prosecution and defence both are ready to proceed.

As far as the issues raised by the Ld. defence counsel is concerned all the issues were raised by the accused before the Ld. District Judge North 24 Parganas, but Ld. District Judge has been pleased to reject their applications. In this situation this court is not in a position to transfer the case to any other court. More over trial has already begun. Consecutive dates schedule has also fixed. There is also direction of Hon'ble High Court regarding recording evidence of 10 witnesses by 31/01/2026. So, I do not see any justification to adjourned the case *sue muto*. The court has given certified copies to the accused persons multiple times as reflected in order No.13 dated 07/11/2025. That apart more than 4000 pages xerox copy was also supplied to the accused. So, I think no prejudice will be caused in the defence of the accused.

However, the copies of documents if any not yet supplied by the prosecution, specifically if brought to the notice of the court, it will be supplied to the accused. The court has accommodated the Ld. Advocates for the accused persons and also prosecution. **We should not be forgetful of the fact that allegations against the accused for committing fraud of around Rs.350 crores of money from several people by on line gambling apps throughout India and it is very serious allegation.** The accused filled several petitions before this court and conducted lengthy hearing of the petitions almost in all the fixed dates and the court has given patience hearing of every petition and passed necessary orders. The conduct of the accused appears that they filed the instant petition with ulterior motive to disturb the focus of the court. In this situation, I think that the petition for fair trial is baseless. **The court will take all the necessary steps to protect the demand of justice and to subserve justice.** Hence the petition dated 14/11/2025 for free and fair trial is disposed of accordingly.

(2) Petition dated 20/11/2025 for videography of court proceeding:

Another application was also filed by the accused persons for videography of the entire proceedings. Ld. Advocate Sri Mukul Biswas submitted that to ensure the free and fair trial entire proceeding of the court should be recorded by videography. He said that it is important for free and fair trial.

Ld. Spl. PP submitted that the petition is baseless. There is no provision in BNSS or in Criminal Rules and order for recording of the proceeding of the case such as recording of evidence by videography mode. He said accused can't decide the forum of court or manner of trial. So, Ld. Spl. PP strongly oppose the said prayer and submitted for rejection of the application.

Thus, considering the submission of the Ld. Advocate for the accused persons and the Ld. Spl. PP, I am of the view that this court has no power to direct videography of the entire proceeding of the trial. Live streaming is also not allowed as of now for trial court. Accused failed to show any provision in BNSS or in Criminal Rules and Order for videography of court proceeding. Most importantly allowing the videography of the recording of evidence would create parallel recording of deposition in addition to the deposition recorded by the court. In this situation considering all aspect, I am of the view that prayer for videography is not maintainable and therefore rejected.

(3) Petition dated 20/11/2025 regarding supply of true copies of deposition for fair trial:

Another application was filed by the accused for supply of true copies of the deposition recorded in this case. Ld. Advocate submitted that the court supplied the pen through copy of depositions of witnesses immediately after completion of recording of depositions but he needs the true copy or certified copy of deposition for preparation. Ld. Advocate further submits that either true copy or certified copy would be sufficient for the accused.

Ld. Spl PP at the time of hearing on being asked submitted that he has no objection as regard said application filed by the accused persons.

Thus, considering all aspect having gone through the relevant provision of law, I am of the view that the prayer for true copy is allowed. BC-I is directed to serve the True Copy of the depositions of the witnesses immediately after recording of evidence henceforth for the ends of justice and send copies to copying section expeditiously.

(4) Petition dated 25/11/2025 for declaring the arrest of accused illegal and direction for necessary action:

Now I took up the petition filed by the accused for declaring the arrest of the accused illegal and direct the Superintendent of Police or appropriate authority for necessary action against the arresting police officer. Ld. Advocate submitted that from the deposition of the witnesses already recorded in this case it clearly reflects that the arresting officer didn't inform the accused "Ground of arrest". So, the arrest is illegal and necessary action may be taken. He said that ground of arrest must be communicated to the accused in writing as per the recent judgment of the Hon'ble Supreme Court and therefore accused are entitled to get an order of declaration of illegal arrest.

In Reply ld. Spl. PP submitted that in the judgment of Vihan Kumar Hon'ble Supreme Court has given the said guidelines in the year 2025, but all the arrest in this case occurred in the year 2024 and there is no such retrospective effect of such judgment. Had the Hon'ble Apex Court directed the guidelines with retrospective effect, then all the previous arrest would have been declared illegal. Ld. Spl. PP submitted that all these petitions are filed by the accused is made to frustrate the trial and therefore not maintainable. Evidence has not completed yet. So, he submitted for rejection of the said applications.

Thus, considering all aspect I am of the view that the Court has just begun recording depositions of witnesses. The Court fixed consecutive dates to expediate the trial since the accused are in judicial custody. At this moment this court can't form any opinion regarding guilt or innocence of the accused. Similarly, the court can't even form any opinion regarding legality or illegality of arrest of the accused persons by considering the depositions of two or three witnesses. It is a matter of trial. There are 52 witnesses in the charge sheet. Thus, petition filed by the accused lawyer for declaring the arrest of the accused persons illegal is pre-mature and therefore rejected

Ld. Spl. PP submitted that he is ready with PW-4. Accordingly, PW-4 S.I. Aparba Biswas is fully cross examined by the ld. advocates for the respective accused persons and thereafter released.

To 27/11/2025 for production of the accused persons and for further evidence. Mat Exhibits are returned to the persons who brought the same before the court today. True Copies are supplied to the ld. Advocates for respective accused and also to ld. Spl. PP. P

Additional Sessions Judge,
Fast Track Court-II, Bongaon,
North 24 Parganas.