

Present : **Sri Sujoy Kumar Sarkar,**
Additional District & Sessions Judge,
3rd Court, Purulia.
in-charge.

Sessions Case no. 151 of 2025(CIS)

Order No.13

Dated 24-03-2026

Regular PO is busy with SIR Duty as per Order of the Hon'ble Apex Court.

This day is fixed for hearing of the application under Section 227 of the Cr.P.C. Accused Sabyasachi Goswami @ Kishore @ Ajoy Da @ Babu is produced from CH.

Now case record is taken up for hearing the application under Section 227 Cr.P.C.

Having heard the submissions of the Ld. Defense Counsel as well as Ld. P.P-in-charge representing for the State and having consulted with the materials on record, it appears that the accused/petitioner is seeking discharge from the present police case for non-compliance with some statutory provisions on the score that the accused/petitioner was not communicated with the grounds of arrest or that Ld. CJM, Purulia has erroneously taken cognizance of the present police case or that the Provision of the U.A (P) Act is not applicable against the present accused/petitioner or that the charge-sheet has been submitted against the accused/petitioner fails to implicate the accused/petitioner with the offence punishable under the U.A (P) Act, IPC and Arms Act and however, it is apparent from the written complaint(FIR) that the accused/petitioner was arrested near the Jungle of Chounia under Baghmundi PS and several Magazine, Leaflets, Books and Firearms were recovered from his possession and subsequently, during the police remand of the accused/petitioner, several others leaflets, magazines, books and firearms were also recovered on being shown by the accused/petitioner. In such circumstances, this has become crystal clear that **the adjudication over the alleged incident as well as on the alleged guilt of the accused/petitioner involves the mixed question of law and facts, which can only be determined after the conclusion of trial** and accordingly, I find that the Prosecution should be provided with an opportunity in the form of trial to establish the alleged guilt of the accused person.

At this juncture, it is pertinent to mention here that all the technical irregularities in the present police case, as pointed out by the Ld. Advocate appearing on behalf of accused will also be considered after the completion of trial, during the time of pronouncing the Judgment in the present police case and therefore, the case laws, as cited on behalf of the accused/petitioner, don't match with the fact with the facts and circumstances of the present police case.

Hence, the application under Section 227 Cr.P.C dated 07-03-2026 filed by the accused/petitioner stands rejected at this stage as having no merit.

Now, at this stage, the case record is taken up for consideration of charge.

Heard Ld. Advocate for the accused person and the Ld. P.P. in-charge.

Perused the case record and other materials on record.

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Having perused the FIR, Charge-sheet and other materials on case record as well as C/D, I find that there are sufficient grounds to proceed against the accused person for the offence punishable under Sections **121/121A/122/123/120B IPC** read with Sections **16/17/18B/20/38/39** of **U.A(P) Act** read with Sections **25/27 Arms Act**. Accordingly, charge has been framed against accused person under Sections **121/121A/122/123/120B IPC** read with Sections **16/17/18B/20/38/39** of **U.A(P) Act** read with Sections **25/27 Arms Act**.

The contents of the charge so framed has been read over and explained to accused person in Bengali to which he pleaded not guilty by saying "**Ami Nirdoshi**" ("**আমি নির্দোষী**") and claimed to be tried in open court.

Fix **17.04.2026** for evidence of CSW No.01.

Issue summons upon witness accordingly.

The prosecution is to take proper step.

Alamats of this case, if any, must be produced on the next date.

Accused is remanded to CH till the next date.

D/C by me

**Addl. District & Sessions Judge,
3rd Court, Purulia.
in-charge.**

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