

**In the Court of A.D.J., 2nd Court [Spl. Court under NDPS Act], Purulia.**  
**N.D.P.S. Case No.09 of 2023**

**Ref. : Joypur P.S.Case no.117, dt.16.09.23, u/s.21(C), N.D.P.S. Act.**

**Or. no.07**

**Dt.17.10.23**

Out of 02 accused persons, accused Dablu Kr. Singh is produced from J.C.

**Other accused, namely, Om Prakash @ Guddu has not been produced from J.C today.**

**Received one letter being Letter No. 2357/AB, dt.17.10.2023 from the Superintendent of Purulia District Correctional Home from which it appears that said accused Om Prakash @ Guddu could not be produced today before this court as said accused person was taken to police custody on 11.10.2023 in c/w Purulia (M) P.S case No.137/2023, dt.29.08.2023 (G.R No.1591/2023) as per the order dt.11.10.2023 of Ld. CJM, Purulia and that said accused has not yet been returned from police custody.**

**Ld Spl. P.P Sri Ashit Banerjee is present.**

Today is fixed for production of the accused persons from J.C and for hearing of the petition of the I.O for adding S.379/411 IPC and 25 (1)(a) of the Arms Act.

The I.O of this case, S.I. Nagendranath Das of Joypur P.S, is absent. C.D is not produced today.

On perusal of the case record vide Or. No.4, dt.27.09.2023 that this court directed the I.O of this case to submit a report whether any specific case in any P.S in respect of the theft of the seized gold ornaments and money has been lodged or not and on 03.10.2023 the I.O submitted a report informing this court that in respect of the seized gold ornaments and money, a specific case being Purulia (T) P.S Case No.137, dt.29.08.2023 U/s.395 IPC and 25/27 of the Arms Act has been registered and that the I.O of this case already sent a gmail message to I.C, Purulia (T) P.S, Vide ORG No.4472/JPS, dt.20.09.2023 regarding arrest of the accused persons and recovery of the stolen articles.

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No information has yet been received from Purulia (T) P.S as to the step taken by said P.S regarding the seized gold ornaments and money as there is a specific case regarding theft of said gold ornaments and money pending in said P.S.

It appears from the date of registration of the case at Purulia (T) P.S that said case was registered on 29.08.2023 and the instant case under the NDPS Act has been registered on 27.09.2023 which indicates that said case of dacoity was registered about one month prior to the present case.

It also appears that the I.O of this case has not taken any steps for safe custody of the valuable gold jewellery and the currency which indicates that the valuable articles are still lying in the P.S Malkhana which is not permissible.

Regarding the safe custody of the valuable articles like gold jewellery during investigation or trial of any case the Hon'ble Apex Court has given specific direction in the case of **Sunderbhai Ambalal Desai Vs. State Gujarat with C.M.Mudaliar Vs. State of Gujarat [(2002) 10 Supreme Court Cases 283]**. In para 14 of said reported case the Hon'ble Apex Court has held that :

**"14. In case, where such articles are not handed over either to the complainant or to the person from whom such articles are seized or to its claimant, then, the court may direct that such articles be kept in bank lockers. Similarly, if articles are required to be kept in police custody, it would be open to the SHO after preparing proper panchnama to keep such articles in a bank locker. In any case such articles should be produced before the Magistrate within a week of their seizure. If required, court may direct that such articles be handed back to the investigating officer for further investigation and identification. However, in no set of circumstances, the investigating officer should keep such articles in custody for a longer period for the purposes of**

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**investigation and identification. For currency notes, similar procedure can be followed.”**

In the case in hand though the I.O of this case has submitted the Seizure List showing seizure of huge amount of gold jewellery and Indian currency notes during police custody of the accused persons but the seized articles have never been produced before this court and there is also nothing to show that the I.O of this case has taken proper step for keeping those seized valuable jewellery in bank locker for safe custody after proper inventory of those seized items with the help of any reputed goldsmith.

**In view of the above referred direction of the Hon'ble Supreme Court, S.I. Nagendranath Das of Joypur P.S, the I.O of this case is hereby directed to take proper and immediate step for necessary inventory of the entire seized jewellery with the help of at least 02 reputed goldsmith of the town and also in presence of a police officer of the rank of Dy. S.P of the district and to prepare inventory list in triplicate duly signed by both the goldsmiths and by the police officer (of the rank of Dy. S.P) in whose presence the inventory is prepared and also duly signed by the I.O and to keep the entire seized jewellery in any bank locker of any national bank along with one copy of the inventory list and to send one copy of the inventory list along with detailed report to this court within 03 days from this day. One copy of the inventory list is to be kept in the custody of the office of the Superintendent of Police of the district for future reference.**

**Superintendent of Police of the district is hereby requested to nominate one police officer of the rank of D.S.P in whose presence the entire process of inventory and the process of keeping the seized gold ornaments and cash in the bank locker will be done.**

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Let a copy of this order be sent to S.I. Nagendranath Das of Joypur P.S through I/C of said P.S for information and compliance.

Let another copy of this order be sent to the Superintendent of Police, Purulia for information and for taking necessary step.

To 17.11.2023 for production of both the accused persons, namely, Dablu Kr. Singh and Om Prakash @ Guddu from J.C and for report in final form.

Accused Dablu Kr. Singh is hereby remanded to J.C till next date.

Superintendent of Purulia District Correctional Home is hereby directed to produce accused Om Prakash @ Guddu before this court on the next date.

**Inform the Correctional Home accordingly.**

D/c. by me

Judge

ADJ, 2<sup>nd</sup> Court, Purulia.  
[Spl. Court under NDPS Act]  
**J.O. Code : WB00673.**

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