

CNR No: WBSP01-005977-2024
Present: Sarajit Mazumder
J.O Code: WB00646
Sessions Case No: 11 (05) of 2024

Order No. 19 dated: 10-12-2024.

Today is fixed for hearing of the application dated 17.09.2024 filed u/s 207 of Cr.P.C by accused Vikram Das @ Vikramaditya @ Saptarshi and consideration of charge.

Accused persons namely 1) **Souvik Dasmal @ Sunny @ Akash**, 2) **Vikram Das @ Vikramaditya @ Saptarshi**, 3) **Ayan Das @ Rohit Roy**, 4) **Susanta Mondol @ Gera**, 5) **Sushmita Biswas**, 6) **Biswajit Das @ Bapi Pal**, 7) **Sukhdeb Sukumar Sutradhar**, 8) **Bablu Biswas** and 9) **Monali Chakraborty** are produced from J/C. They are taken into judicial and remanded to J.C till date.

One application is filed on behalf of accused Biswajit Das, copy of which has already been served.

The application for bail is taken up for hearing.

Heard the learned advocate for the accused who submits for bail on the ground that he is sick for several months and is in custody for about one year. Investigation is over. As such prayer for bail may be allowed on any terms and conditions.

Learned Special P.P raises objection on the ground that on the self same ground prayer for bail is rejected just on 13.11.2024. He further submits that charge could not be framed on account of non-production of this accused as he was hospitalized. Now he is produced today. So, he is found to be fit.

Perused the case record.

Considering the material appearing against this accused persons, gravity of alleged offence and the fact that investigation has already been completed I am not inclined to enlarge this applicant on bail. So, his prayer for bail stands refused.

At this stage the application dated 17.09.2024 filed u/s 207 of Cr.P.C by accused Vikram Das @ Vikramaditya @ Saptarshi is taken up for hearing.

Heard the learned advocate for the accused who submits that he did not get the supply of statement of Md. Feroj Molla @ Firoj recorded on 06.12.2023. He further submits that as per the rules 91 prosecution is to disclose the documents to be and not to be relied upon in trial and to supply of copy of those documents.

Learned Special P.P submits that these accused persons to delay the framing of charge and trial did not receive those documents and that is reflected in the order of learned Magistrate dated 09.04.2024. He further submits that in spite of refusal, prosecution shall deliver the documents upon which they are not going to rely in support of this case but he submits for framing of charge today. Contd.....

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In reply learned advocate for the Defence submits that unless they are provided with those documents it would be difficult to participate in charge hearing.

Perused the case record. Considered.

Record reveals that accused serial no.6 received the documents and list of document to be not relied upon but remaining accused persons refused to accept those documents.

Considering the record the claim of the prosecution that they are trying to defer the framing of charge cannot be ruled out. But at the same time it cannot be denied that for fair trial those documents are required. As such the application dated 17.09.2024 filed u/s 207 of Cr.P.C by accused Vikram Das @ Vikramaditya @ Saptarshi is allowed on contest without cost.

At this stage I.O has supplied statement of Md. Feroj Molla @ Firoj recorded on 06.12.2023 to the learned advocate for accused Vikram Das @ Vikramaditya @ Saptarshi.

I.O is directed to supply the list and documents thereof to be relied upon and not-relied by the prosecution in course of trial in the meantime.

At this stage learned advocate for the accused persons submit that it would be difficult for them to participate in the charge hearing in the month of December and submit for fixing in the month of February.

It is a fact that diary is congested but as the accused persons are in custody fix **08.01.2025** for consideration of charge.

Typed to the dictation directly;

corrected on the system.

Sd/-Sarajit Mazumder
Additional District and Sessions Judge, Additional District and Sessions Judge,
01st Court, Alipore, South 24 parganas. 01st Court, Alipore, South 24 parganas.