

CNR No: WBSP01-007331-2024

Present: Subhra Som Ghosal

J.O Code: WB00984

S.C No: 11 (06) of 2024

Order No.03, dated: 02-07-2024.

One accused person has been produced in relation to this case.

A bail petition has been filed on behalf of the accused person.

On inspection of the case record certain peculiar facts have transpired before this court and these facts are required to be dealt with at the very inception of this case or else it will unnecessarily complicate the further proceeding of this case.

From the case record transmitted by the Learned Additional Chief Judicial Magistrate, Alipore it is axiomatic that by order dated 23.04.2024 the case record arising out of Netaji Nagar PS Case No. 250 of 2023 as against nine accused persons was committed to the court of Learned District and Sessions Judge, South 24 parganas and such order specifically mentions that the case record was split up as against accused person No. 10 namely 'D'. The accused person namely 'D' was remanded to judicial custody till 7th May 2024. Such custody of the accused person was time to time extended by the Learned Additional Chief Judicial Magistrate, Alipore and from order dated 26th of May 2024 it has transpired that a supplementary chargesheet was filed against the present accused person. From the said order it is also clear that cognizance was taken for commission of the offences mentioned in the supplementary chargesheet as against the accused person No. 10 i.e. accused person namely 'D' and the accused person was remanded to judicial custody till 04th of June 2024. From order dated 06th of June 2024 it has transpired that copy as per section 207 of the Code of Criminal Procedure, 1973 was served upon the accused person and the Learned Additional Chief Judicial Magistrate, Alipore directed transmission of the case record to the learned Sessions Judge, Alipore for trial. On the selfsame date another order was passed u/s 209 of the Code of Criminal Procedure, 1973 the case record was again committed to the Learned District & Sessions Judge, South 24 parganas. All these orders have been passed in ACGR Case No. 6282 of 2023. On receipt of the case record from the Learned Additional Chief Judicial Magistrate, Alipore the case has been numbered as S.C 11 (06) of 2024 [CIS registration No. 226 of 2024]. Thereafter the case record has been transferred to this Court trial by the Learned District Judge, South 24 parganas vide order dated 10-06-2024. The predicament is accentuated further when these facts are considered in juxtaposition with S.C No. 11 (05) of 2024 which is also pending with this Court and arises out of the same police station case i.e. the same FIR. As has already been mentioned in this order, from the case record transmitted by the Learned Additional Chief Judicial Magistrate, Alipore as well as from the case record transmitted with S.C No. 11 (05) of 2024 it is limpid that by order

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S.C No: 11 (06) of 2024

[Contd.....Order No. 60, dated: 02-07-2024]

dated 23.04.2024 the case record arising out of Netaji Nagar PS Case No. 250 of 2023 as against nine accused persons was committed to the court of Learned District and Sessions Judge, South 24 parganas. After receiving such case record, the Learned District & Sessions Judge, South 24 parganas registered the same as S.C No. 11 (05) of 2024 and it was transferred to this Court for trial.

Hence two Sessions Cases have been registered out of the same FIR. This aspect needs to be clarified.

Hence fix 15/07/2024 for hearing of the bail petition and clarification.

A copy of this order in PDF/PDFA format be uploaded to the server following the modalities of Rule 186A of the Criminal Rules and Order of the Hon'ble High Court, Calcutta [since amended by Notification No. 132-G dated 15-01-2015].

Typed to the dictation directly;
corrected on the system.

Sd/-Subhra Som Ghosal
Additional District and Sessions Judge,
01st Court, Alipore, South 24 parganas

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