

CNR No: WBSP010120262023

Present: Subhra Som Ghosal

J.O Code: WB00984

SC Case No: 34 (08) of 2023

Order No. 09, dated: 17-11-2023.

All that the accused persons namely **A1) Mainuddin Molla @ Madhu @ Mahiruddin Molla @ Bhadu, A2) Sukur Sk @ Sukur Ali Sk, A3) Ajaruddin Sk, A4) Ayamad Ali Sanpui, A5) Bapi Molla, A6) Pintu Molla, And A7) Aizul Jamadar@ Molla** have been produced from J/C.

As stipulated by the previous order today is fixed for production of the accused persons and further order.

Fresh Vakalatnama has been filed on behalf of the accused person namely Ayamad Ali Sanpui. Let it be kept with the case record.

On call learned lawyers for the accused persons, de facto complainant as well as the Ld. Public Prosecutor-in-charge appointed for this case are found to be present.

The Ld. Public Prosecutor-in-charge appointed for this case in all his fairness submitted that after the order passed by this Court the Investigating Officer has made necessary communication but he is yet to receive the sanction which is required for framing charge under the Arms Act and in such circumstances it is not possible for him to go ahead with the process of Section 226 of the Criminal Procedure Code 1973.

A copy of letter addressed o the District Magistrate, South 24 parganas at Alipore has been filed by the Ld. Public Prosecutor-in-charge.

This Court is irked and anguished to notice that the investigating officer of this case has made several communications so that the sanction required from the District Magistrate can be obtained but till date such object could not be achieved. This Court even passed order to that effect but showing a feigned ignorance, there has been no compliance to such order. It does not require adept erudite to conclude that it has attributed to the delay in carrying forward this case.

Though feeling tempted to comment further; but I must take a pause and will only remind the concerned authority that their omission has attributed to the delay of this case where several accused persons are in custody and if this kind of apathy remains this Court will be constrained to raise questions about the gumption of the concerned authority and hold them liable for violation of basic rights of the accused persons simple because the personal liberty of an individual has the genesis in Article 21 of the Constitution and has been accentuated on human rights principals.

Hamstrung by the omission if producing the sanction, the case is adjourned on this date.

The District Magistrate, South 24 parganas at Alipore is requested to ensure that sanction has prayed for by the Investigating Officer is considered and necessary order is passed to that effect without further delay.

Let a copy of this order be sent to the investigating officer for his information and necessary action and the copy of order be served upon the District Magistrate, South 24 parganas at Alipore through the Investigating Officer.

The accused persons are remanded to J/C till 19-12-2023.

Typed to the dictation directly;
corrected on the system.

Additional District and Sessions Judge,
01st Court, Alipore, South 24 parganas.

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