

Special Case No. 02 of 2025
(Bhowanipur P.S. Case No. 179/2024 dtd. 27.09.2024)

Present : Smt. Kumkum Singha, Judge

Order No.04 dated 12/08/2025

Today is fixed for for virtual production of two accused in custody and order regarding two petitions heard on today and supply of copy to the accused Bubai Dalui.

Both accused namely Palash Biswas @ Chayan Barua and Bubai Dalui @ Md. Milon in J/C are produced virtually at 12 0'clock at noon from Presidency Correctional Home. Warrant of custody are produced physically.

No petition is filed on behalf of either of the accused in custody. Ld. Advocate Jayanta Purkait for accused Bubai Dalui @ Md. Milon appears before the court.

Ld. PP Lina Sarkar (Junior) is present. Copy is not placed before court today which is to be supplied to the accused Bubai Dalui. Necessary direction is given to the I.O. for supply of the same on next date to be fixed.

To fix 26.08.2025 for virtual production of two accused in custody at 12 o'clock at noon in the previous link and supply of copy to the accused Bubai Dalui.

Two petitions which were heard on 30.07.2025 are considered today. In one petition filed on behalf of accused Manoj Gupta prayer was made to return the key of the office to open the padlock of the same. I.O. raised objection against such prayer for return of the said key on the ground that from that office in the name of 'Tour & Travel Agency' fake documents were prepared and that was the place from where huge number of fake passports were issued which are the subject matter of this investigation. Considering that facts and circumstance as the further investigation is still continuing, in my opinion it is not the right time to allow the prayer of that accused. Thus, the said prayer is rejected on contest.

Another petition was filed on behalf of two accused namely Samaresh Biswas & Ripan Biswas and also the wife of Samaresh Biswas namely Rekha Biswas. That prayer was made for return of PAN card, pass book of SBI in the name of Ripan Biswas, original voter I/D card, PAN Card, Aadhar Card, passbook of SBI and deed of gift dtd. 22.11.2021 of Rekha Biswas, passbook in the name of Samaresh Biswas of Canara Bank and SBI bank as well as passport of Samaresh Biswas and two mobile phones seized from accused Ripan Biswas. In course of hearing of the petition Ld. Defence counsel argued on the point that those documents are the documents of

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Order No.04 dated 12/08/2025 (contd..)

those persons which are to be kept in their custody and as those documents had no direct relation with the subject involved in this investigation. So there is no reason to keep those documents in the custody of the police. In support he referred two judgements 1. Jayanta Halder vs. State of West Bengal (Calcutta) in c/w CRR no. 2429/2009 dtd. 30.06.2010 and other is 2. L&T Finance Ltd. vs. State of West Bengal (Calcutta) in c/w CRR no. 3623/2014 dtd. 19.09.2024. Those two judgements are cited without proper citation. However, I find those decisions are not in the same facts and situation as lying in this case. The objection as reported by I.O. is considered. Considered the submission of Ld. PP in that score. As per report of I.O. he has no objection regarding return of documents like PAN card of accused Ripan Biswas and Rekha Biswas, original voter I/D card, Aadhar card of Rekha Biswas, passbooks of SBI of Ripan Biswas, Rekha Biswas & Samaresh Biswas, passbook of Canara Bank of Samaresh Biswas and gift deed dtd. 22.11.21 of Rekha Biswas. Thus, those documents are to be returned to the concerned persons with a condition to produce the same before this court whenever it will be required either for the purpose of further investigation or trial of this case and also not to destroy or damage or change the nature and character of the documents. Regarding the passport of Samaresh Biswas and two mobile phones of Ripan Biswas, as I.O. raised objection and till the further investigation is going on, so regarding those document and materials, the prayer is rejected. Thus, the petition to that effect is partly allowed on contest.

To date for production. Copy of this order is to be sent to the I.O. and Supdt. Of Presidency Correctional Home for necessary action. Warrant of custody are returned.

Dictated & corrected by me
Sd/-
Judge

Sd/-
Judge(WB-00712)
24-Parganas 1st Special Court, Alipore.