

TR Case No. 02/2024
J.O Code No.WB-01460
CNR No.WBUD000919-2024
Ref. :- Karandighi P.S. Case No. 324/2021 dated 09.07.2021 under Section
419/420/468/471/120B with adding Section 218/409/413/467/195A of IPC

Order No.37
10.12.2024

Today is fixed for production, appearance, reports and further order.

Accused persons namely Mahatabuddin, Sakir Ali, Md. Tahasen, Jane Alam and Haiyat Ali on court bail are present by filing haziras.

Accused Sarjahan Ali, Panchu Basak & Ashok Basak on court bail are absent but represented by a petition u/s 317 of Cr.P.C.

Accused Sk Zakaria, Shah Alam @ Abdus Salam, Faijul @ Md. Faijul Rahaman, Abdur Rashid and Rajibul Islam are produced from J/C and remanded to J/C.

One bail petition is filed on behalf of accused persons S.K. Jakaria and Abdul Rashid. Copy served.

Photocopies of WBBSE Admit Card, WBBSE Mark Sheet, WBBSE Passing Certificate, WBCHSE Admit Card, WBCHSE Mark Sheet, WBCHSE Passing Certificate and M.A.J Foundation Admission letter of the accused Rajibul Islam are produced with a prayer for fixing short date for hearing thereof.

Heard.

Let it be kept with the record.

One report is submitted by the IO in compliance with order dated 20.11.2024 alongwith a prayer for necessary order regarding safe custody of seized cash of Rs. 1,00,000/- (INR).

Ld. Counsels of both sides are present.

Bail petition is moved.

Heard both sides.

Perused the case record and the report.

Ld. Spl. PP vehemently opposes the bail prayer by submitting that original CD is lying before the Hon'ble Court for hearing one bail petition before the Hon'ble Court and it has been fixed on 11.12.2024 and another bail petition is also filed on behalf of the accused persons before the Hon'ble Court.

In view of the aforesaid circumstances, after hearing all sides and also on perusal of the materials in case record it appears that immediately after filing the supplementary CS on 17.08.2024 IO has brought under arrest two accused persons Sk Zakaria and Abdur Rashid with a seven days PC prayer while vide order dated 17.08.2024, five days PC remand of the accused persons were granted and after completion of the said PC remand the accused persons have been returned. On minutely perusal of the materials in the case record together with the material, this court finds that it may not be disregarded that there is no material in view of Sec.409 IPC in the instant case and the updated CD is required to be seen as the accused persons have been brought on record after submission of supplementary CS.

In the circumstances, I am not inclined to allow the bail prayer of the accused persons at this stage.

Accordingly, bail prayer of the accused persons is considered and rejected.

Now, the prayer for necessary order in connection with the seized cash of Rs. 1,00,000/- (INR) for safe custody thereof.

Heard. Seen the prayer and perused the case record in this regard.

From the record, it appears that Rs. 1,00,000/- (INR) were recovered from the possession of the accused Rajibul Islam and the same has been seized under seizure list dated 07.11.2024 in connection with the case during PC remand of the accused. Record further reveals that vide Order dated 20.11.2024 after hearing the I.O. in person and on perusal of his prayer supposed to have been made under provisions of Section 451 Cr.P.C, I.O. was directed to deposit the said Indian currency notes to the Govt. Treasury under the district Uttar Dinajpur in view of Section 451 Cr.P.C. Whereas, the present prayer of the IO reveals that IO could not deposit the said seized cash of Rs. 1,00,000/- (INR) to the Govt. Treasury under the district Uttar Dinajpur for want of necessary arrangement for the same and so present prayer is made for necessary order regarding safe custody of said seized cash of Rs. 1,00,000/- (INR).

In view of such fact and circumstances, this court is of the view that the aforesaid currency notes may be deposited or kept in any Govt. safe custody till conclusion of the trial or any further order therewith and thereon and after keeping the same, I should submit a report before the court regarding such safe custody.

Accordingly, in the circumstances, I.O. is directed to keep said Indian Currency Notes in any Govt. safe custody under the district Uttar Dinajpur and he is further directed to submit a report after depositing the said Indian currency notes with the Govt. safe custody under the district Uttar Dinajpur in compliance with the order by the date fixed positively, i.e. necessary order to be passed.

Accordingly, I.O is directed to submit report on the aforesaid by the date fixed positively.

Fix **21.12.2024** for production, appearance, reports and further order.

Updated CD be produced.

Let a copy of this order be sent to the I.O to act accordingly.

***Judge, Special Court,
ADJ 1st Court, Raiganj***

***Judge, Special Court,
ADJ 1st Court, Raiganj.***

