

In the Court of Additional Sessions Judge,
FTC-II, Islampur, Uttar Dinajpur.

Sessions Case No.57 of 2024
CNR No.WBUD05-000500-2024

Present : Sri Nilanjan De (WB 00716)
Addl. Sessions Judge
FTC-II, Islampur, U/Dinajpur.

Order No.16
Dated: 23.12.2024

Today is fixed for evidence.

Out of eight accused persons, six accused on custody are produced from Sub-divisional Correctional Home, Islampur and one accused namely, Gulam Mustafa @ Md. Gulam Mustafa @ Baba produced from Balurghat Central Correctional Home. The accused Saddam Alam @ Bhulu on court bail is present.

Ld. P.P Mukhtar Ahmed and the Ld. defence Advocates in four sets namely, Sanjay Kumar, Gurudas Saha, Firoj Ahmed and Prasunjoy Sinha are present.

The witness Siddique Aamed is examined as PW3, during evidence he identified his signature in the seizure list dated 20.09.2023 which is marked as Ext.3. He also identified the two empty cartridges and his signagnature on its label as Ext.3/1. The two empty cartridges are marked as Mat Ext.II and Ext.II/A.

For the purpose of marking, the cartridges a galasealed envelop is opened in presence of all.

The witness is cross-examined and discharged.

The accused Gulam Mustafa @ Md. Gulam Mustafa @ Baba and others filed a petition for supplying the copies of FSL and RFSL reports along with the copy of the Supplimentary charge sheet as per 193 of BNSS.

The prosecution is directed to supply the copies to the defence accordingly by the next date.

Fix. **17.02.2025 to 19.02.2025** for further evidence as per the CS.

Prosecution is directed to issue summons accordingly.

Accused persons be and as before.

Addl. Session Judge
FTC-II, Islampur, U/Dinajpur.

Later: Order on bail petitions

Dated: 23.12.2024

The bail petitioners are filed by Asim Babu @ Washim, Vikash Kumar Choudhury, Md. Ali , Md. Arman and Gulam Mustafa @ Md. Gulam Mustafa @ Baba by three sets of Advocates on selfsame ground.

It is fact that the trial of this case is already started but at very initial stage only three witness are examined and considering the evidencne already on record it appears that a

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conspiracy was made to kill the victim in a filmatic way on the open road and in the day-lights. The accused persons though representing separately are all habitual offenders and have several cases. The offence prima facie an organised crime and the role of each accused individually is not ascertained at this initial stage. The geographical location of the area and the offence record causing a greater chance of absconding of the accused.

The Addl. P.P raised vehement objection stating that the Hon'ble High Court considering the gravity of the offence rejected the bail applications of the accused persons and at this stage, the bail petitions cannot be considered.

The Ld. Advocate on behalf of the accused submitted that the accused are suffering with medical ailments and they are treated as convicts, they are not receiving the general facility of UTP.

Considering the submissions and evidence on record along with observation of the Hon'ble Court, the bail petitions of accused Asim Babu @ Washim, Vikash Kumar Choudhury, Md. Ali , Md. Arman and Gulam Mustafa @ Md. Gulam Mustafa @ Baba are **rejected**.

Addl. Session Judge
FTC-II, Islampur,U/Dinajpur.

Later: Order on the petition filed by accused Gulam Mustafa @ Md. Gulam Mustafa @ Baba: Dated: 23.12.2024

A petition by accused Gulam Mustafa @ Md. Gulam Mustafa @ Baba submitted with a prayer for keeping him at Islampur Correctional Home with all facilities of UTP.

The Ld. Advocate on behalf of the above accused submitted that the accused was arrested on 21.11.2023 and without any reason on 06.11.2024 about one year he was shifted to the Balurghat Central Correctional Home and confined there in a small single room and none of the facilities was given to him.

He further submitted that the accused is a diabetic patient and he does not provide with diabetic food and on mental pressure his various organs started failing. The family persons at a distance of 200 km are not allowed to meet him and on this regard, he prayed for his shifting at the local Correctional Home.

The Ld. Advocate on behalf of the said accused also submitted a written objection against the I.O's prayer on last occasion.

Let the same be kept with the record as this Court has no power to try the allegations raised there.

In view of the last order No.14 dated 20.12.2024, the Superintendent, Islampur Sub-Correctional Home, submitted an explanation that the above UTP was transferred to Balurghat as per order of ADG and IG of Correctional Services vide order No.209 dated

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05.11.2024 and he submitted that his Correctional Home is running with low staff strength, proper guarding over the prisoners as well as maintaining overall safety and security round the clock.

Considering all, it appears that the said accused was shifted on administrative order and this Court has not domain to interfere in the official course of business of the said Department and accordingly for safety and security of the UTP, let he kept accordingly at Balurghat Central Home as on administrative reason.

Let a copy of this order be forwarded to the UTP through the Superintendent of Balurghat Central Correctional Home for information.

All the petitions are thus disposed off.

To date for further evidence.

The accused Gulam Mustafa @ Md. Gulam Mustafa @ Baba be produced on each date of trial at Court hours at 10.30 a.m sharp.

The Superintendent of Balurghat Central Correctional Home is personally responsible to send the UTP on every date of trial within time.

Let a copy of this order be forwarded to the Superintendent of Balurghat Central Correctional Home for information and compliance.

Addl. Session Judge
FTC-II, Islampur,U/Dinajpur.

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