

Order No. 09

Dated : 11.07.2024.

Today is fixed for production of accused 1.Md. Tamrez, 2. Asim Babu @ Washim, 3. Md. Ali, 4. Debender Paswan @ Bhajan Paswan, 5. Vikash Kumar Choudhury, 6. Golam Mustafa, @ Md. Gulam Mustafa @ Baba 7. Saddam Alam @ Bhulu and 8. Md. Arman. All the accused persons are produced from JC.

Ld. P.P. Muktar Ahmed and defence Advocates Firoz Ahmed (Boby), and others on behalf of the accused persons are present.

The petitions for discharging the accused persons Saddam Alam, Asim Babu, Viaksh Chowdhury and Debender Paswan are filed after supplying the copy to the Ld. Prosecutor.

The Ld. Advocate on behalf of Saddam Alam submitted that the accused directly not involved in the crime but from the prosecution story it appears that he sheltered the accused persons after the offence but there is no such prima facie statement against him by the witnesses. Nothing has been seized from him. He is falsely tagged in this case and accordingly he prayed for discharging him from this case.

Ld. Advocate on behalf of Asim Babu submitted that he in either way not participated in the alleged crime and there is no materials against him. Nothing has been seized from him. He is falsely tagged in this case and accordingly he prayed for discharging him from this case.

Ld. Advocate on behalf of accused Vikash Chowdhury submitted that the prima facie allegation against him that he help the other accused persons but in this support no prima facie materials against him is found. Nothing has been seized from him. He is falsely tagged in this case and accordingly he prayed for discharging him from this case.

Ld. Advocate on behalf of Debender Paswan submitted that he is the mere driver and falsely tagged in this case and he also prayed for discharging him from this case.

Ld. PP in charge submitted that it is a case of organized crime and professional shooters are hired to kill the victim, hence all the accused are involved and they play their part in the crime and as such all are accused in same footing.

Perused the CD and the relevant papers it appears that on 20.09.2023 the victim Md. Rahi while returning home in the motorcycle of Md. Muftafa in the station chowk on NH 31, the miscreants fired at him and soon Md. Mustafa fled from the spot and the victim was chased and the accused persons shoot him. The victim killed and several gun shot injuries found on his body. Considering the section 120B of IPC and the materials on record the discharge petition by the accused Saddam Alam, Asim Babu, Vikash Chowdhury and Devender Paswan are rejected.

As the accused persons are in custody and all of them are produced today. The case is taken up for charge hearing.

Addl. Sess Judge,
FTC-II, Islampur, U/Dinajpur.
(J.O Code-WB00716)

Later

Dated 11.07.2024

The Bail petitions filed by Saddam Alam, Asim Babu, Vikash Chowdhury and Devender Paswan are taken up for hearing.

The Ld. Advocates for the accused persons submitted that the accused are ready to face the trial and they will not fled and obey the directions of the court and prayed for bail.

The Ld. PP raised strong objection stating that it is a sensational case and it rocked the Sub Division and it is a political murder, all the accused are involved in this organized crime.

Considering the gravity and effect the bail petitions are rejected at this prima facie stage.

The prosecution is directed to supply the CC TV footage(if any) FSL reports and the other documents he rely during trial to the defence counsel for clear trial of this case.

Fix 3.00 pm of the day for charge hearing.

Accused persons be produced accordingly.

Addl. Sess Judge,
FTC-II, Islampur, U/Dinajpur.
(J.O Code-WB00716)

Later. Order on charge

Dated 11.07.2024. 3.00 pm.

All the accused persons viz. 1.Md. Tamrez, 2. Asim Babu @ Washim, 3. Md. Ali, 4. Debender Paswan @ Bhajan Paswan, 5. Vikash Kumar Choudhury, 6. Golam Mustafa, @ Md. Gulam Mustafa @ Baba 7. Saddam Alam @ Bhulu and 8. Md. Arman are produced from JC.

Ld. P.P. Muktar Ahmed and defence Advocates Firoz Ahmed (Boby), and others on behalf of the accused persons are present.

The record is taken up for consideration of charge. Perused the case record and CD. It appears that on 20.09.2023 at about 2.00 pm the father of the complainant Md. Rahi/victim left the Panjipara GP office for returning home while the accused Md. Mustafa requested him for dropping at Panjipara Bazar and took him on his motorcycle, while they reached near station chowk on NH31 two miscreants fired at him and Mustafa left him and fled away. The accused chased him and fired several rounds at him at colony more and fled towards Kishanganj. The victim some how rescued and taken to Kishanganj Lions hospital where from he treated to Neotia hospital at Siliguri but died on arrival.

Considering the material on record and CD, prima facie case is made out against the accused persons for commission of an offence punishable u/s 302/212/120B of IPC r/w section 25(i)(a)/27/35 Arms Act.

Accordingly charge is framed against the accused persons for commission of offence punishable u/s 302/212/120B of IPC r/w section 25(i)(a)/27/35 Arms Act in separate sheet and kept with the record.

The charge so framed is read over and explained to the accused persons to which they pleaded "not guilty" and claimed to be tried under the cognizance of this court.

Fix	19.09.2024 for CSW No	1 (defacto)
	20.09.2024	2 & 3.
	21.09.2024	4 & 5.

Prosecution to file requisite for issuing summonses upon the witnesses, at once.

Considering the gravity of this case, the case is considered as custody trial.

Accused persons be produced accordingly.

Addl. Sessions Judge,
FTC II, Islampur, Uttar Dinajpur.
(J.O Code WB 00716)