

Sessions Case No.204 of 2023

ST No. 11 /2024

West Bengal Form No. 3593

H.C. Criminal Form No. (P) 40

CHARGE WITH SEVEN HEADS

[No. 32 (II), Schedule II, Act 2 of 1974]

(Sections 211, 212 & 213 of the Code of Criminal Procedure, 1973)

DISTRICT-UTTAR DINAJPUR..

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE, FTC-II, ISLAMPUR.

Name of the Officer Shri Suresh Biswakarma,
Additional Sessions Judge, FTC-II,
Islampur in-charge
hereby Charge you

Under sections 147/148/149/326/307/302/34 of IPC r/w sec. 25(1)(a)/27(1) of the Arms Act.

Named of accused person/persons,

1. Sahadat Reza, 2. Sardar Ahmed, 3. Golam Md, 4. Nur Alam, 5. Sahid, 6. Tousif @ Tousif Reza @ Raja Babu, 7. Saha Alam, 8. Saklin Mustak and 9. Md Najish Ahsan.

First, That you on or about 17th February, 2023 at or about 19-00 hours at Maidan Chawk, P.S Goalpokher, Dist. Uttar Dinajpur were the members of an unlawful assembly and in prosecution of the common object of such assembly, namely, to assault Habiba, Babul and Seidul physically, committed the offence of rioting and that you thereby committed an offence punishable u/s 147 IPC and within the cognizance of this Court of Sessions.

Secondly, That you on or about 17th February, 2023 at or about 19-00 hours at Maidan Chawk, P.S Goalpokher, Dist. Uttar Dinajpur were the members of an unlawful assembly and did, in prosecution of the common object of such assembly, namely, to assault Habiba, Babul and Seidul physically, commit the offence of rioting with fire arms and ammunition which used as a weapon of offence was likely to cause death and that you thereby committed an offence punishable u/s 148 IPC and within the cognizance of this Court of Sessions.

Thirdly, That you on or about 17th February, 2023 at or about 19-00 hours at Maidan Chawk, P.S Goalpokher, Dist. Uttar Dinajpur in furtherance of common object voluntarily caused grievous hurt to Habiba, Babul and Seidul by using fire arms and ammunition and that you thereby committed an offence punishable u/s 326/149 IPC and within the cognizance of this Court of Sessions.

Fourthly, That you on or about 17th February, 2023 at or about 19-00 hours at Maidan Chawk, P.S Goalpokher, Dist. Uttar Dinajpur in furtherance of common object did an act, to wit opened fire from fire arms at Habiba, Babul and Seidul with such intention and under such circumstances that by that act you had caused the death of Habiba, Babul and Seidul you would have been guilty of murder and that you thereby committed an offence punishable u/s 307/149 IPC and within the cognizance of this Court of Sessions.

Fifthly, That you on or about 17th February, 2023 at or about 19-00 hours at Maidan Chawk, P.S Goalpokher, Dist. Uttar Dinajpur in furtherance of common object did commit murder by intentionally causing death of Arif and that you thereby committed an offence punishable u/s 302/149 IPC and within the cognizance of this Court of Sessions.

Sixthly, That you on or about 17th February, 2023 at or about 19-00 hours at Maidan Chawk, P.S Goalpokher, Dist. Uttar Dinajpur were found possessing unlicensed fire arms and ammunition in contravention of section 5 of the Arms Act and that you thereby committed an offence punishable under section 25(1)(a) of the Arms Act and within the cognizance of this Court of Sessions.

Seventh, That you on or about 17th February, 2023 at or about 19-00 hours at Maidan Chawk, P.S Goalpokher, Dist. Uttar Dinajpur used arms and ammunition in contravention of section 5 of the Arms Act and that you thereby committed an offence punishable under section 27(1) of the Arms Act and within the cognizance of this Court of Sessions.

And I hereby direct that you be tried on the said charges.

The contents of charges are read over and explained to each of the accused persons in Bengali vernacular and after understanding the same, each of the accused person pleads not guilty by saying "Ami Nirdosh" and claims to be tried.

Dated this the 20th day of May, 2024.

Addl. Sessions Judge FTC-II,
Islampur in-charge.

West Bengal Form No. 3891.
H.C. Criminal Form No. (M) 21

In The Court of Additional Sessions Judge, FTC-II Islampur.

Sessions Case No.204 of 2023
ST No. 11 /2024

Committing Officer: Additional District Judge, FTC-II
Islampur in-charge.

CHARGE: under sections 147/148/149/326/307/302/34 of IPC r/w sec.
25(1)(a)/27(1) of the Arms Act.

The State – Vs – 1. Sahadat Reza, 2. Sardar Ahmed, 3. Golam Md, 4. Nur Alam, 5. Sahid, 6. Tousif @ Tousif Reza @ Raja Babu, 7. Saha Alam, 8. Saklin Mustak and 9. Md Najish Ahsan.

Or. No. 1 dt. 20-05-2024

Today is fixed for consideration of charge.

Accused Golam Md, Tousif @ Tousif Reza @ Raja Babu and Md Najish Ahsan are produced from J.C. They are taken into custody.

Accused persons, namely, Sahadat Reza, Sardar Ahmed, Nur Alam, Sahid, Saha Alam and Saklin Mustak on court bail, are present.

Ld. Addl P.P. and the Ld. Defence Counsels are also present.

Ld Addl P.P. opens the case by narrating the facts of the case and produces the documents and the statements of witnesses which he wishes to use against the accused persons to substantiate the charges under sections 147/148/149/326/307/302/34 of IPC r/w sec. 25(1)(a)/27 of the Arms Act.

Perused the case record and the documents under section 173 of the Criminal Procedure Code.

On perusal of the materials in case record as well as documents under section 173 of the Criminal Procedure Code, it appears that there is sufficient reason to believe that the accused persons are involved in the commission of offence punishable under sections 147/148/149/326/307/302 of IPC r/w sec. 25(1)(a)/27(1) of the Arms Act.

Heard both sides.

There is no objection from the defence regarding framing of charge against the accused persons under the above sections of law. Accordingly a charges under sections 147/148/149/326/307/302 of IPC r/w sec.25(1)(a)/27(1) of the Arms Act is framed against the accused persons.

The content of Charges are read over and explained to the accused persons in their mother tongue i.e. Bengali to which they plead not guilty and claim to be tried.

Considered

Fix : **20.06.2024** for evidence.

Issue summons upon the de facto complainant at once.

Accused Golam Md, Tousif @ Tousif Reza @ Raja Babu and Md Najish Ahsan be remanded to JC till date.

Accused persons, namely, Sahadat Reza, Sardar Ahmed, Nur Alam, Sahid, Saha Alam and Saklin Mustak on court bail remain as before.

Dictated & Corrected

Judge,

(Suresh Biswakarma)
Addl Sessions Judge, FTC-II
Islampur in-charge.