

D/L25
31.08.2023
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C.R.A. (SB) 18 of 2023
With
CRAN 1 of 2023
(Assigned)

Krishna Paul @ Krishna Pada Paul
Versus
The State of West Bengal

Mr. Arindam Jana
Mr. Partha Pratim Sinha.
...for the appellant.

Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Saryati Datta.
...for the State.

The present criminal appeal being CRA(SB) 18 of 2023 was preferred against the judgment and order of conviction dated 22.12.2022 and 23.12.2022 passed by the learned Additional Sessions Judge, 2nd Court, Bangaon, North 24 Parganas wherein two of the other appellants being Mahadeb Saha and Upen Das also preferred appeal being CRA(SB) 6 of 2023 and CRA (SB) 8 of 2023.

This Court after perusing the materials appearing from the records in the appeal so decided, observed that the provisions of NDPS Act be invoked against the appellants, namely, Upen Das and Mahadeb Saha and the same principle also applies to the present appellant, namely, Krishna Paul @ Krishna Pada Paul in CRA(SB)18 of 2023.

The relevant part of the judgment and order dated 10.05.2023 is set out as follows:

“In view of the provisions of NDPS Act being invoked, the

trial of the case should be conducted by the learned special court-in-charge of the NDPS Act having regard to the territorial jurisdiction.

It has been informed that the learned Additional District and Sessions Judge, 6th Court, Barasat is in seisin of exercising the powers under the provisions of NDPS Act as Special Court. Consequently, lower court records be sent to the learned Additional District and Sessions Judge, 6th Court, Barasat cum Special Court under the NDPS Act.

Both the appellants are in custody they should be produced before the learned special court on 19th May, 2023. As the date of the incident is of the year 2014 and during the stage of trial, the appellants were already on bail, the learned trial court would release the appellants on bail subject to such conditions as the learned special court deems fit and proper.

In view of the observations made above, the judgment and order of conviction and sentence so passed by the learned Additional Sessions Judge, 2nd Court, Barasat, North 24 Parganas in Sessions Trial No.02(03)/2019 having its genesis in Bagdah Police Station Case No.310 dated 27.04.2014 is hereby set aside. As directed above, the learned trial court is directed to proceed with the trial of the case from the stage of consideration of charges.”

It has been informed that the present appellant was on bail. Accordingly, as earlier directed in the other two appeals, the present appellant will also be released on bail subject to such

conditions which the learned special court deems fit and proper. The directions passed in the said two appeals would also apply in the instant appeal.

Matter be immediately remitted to the learned Additional District and Sessions Judge, 6th Court, Barasat cum learned Special Court under the NDPS Act for trial under the relevant provisions of the NDPS Act.

With the aforesaid observations, CRA (SB) 18 of 2023 is disposed of.

Pending any other application is consequently disposed of.

Department is directed to immediately communicate with the learned Additional District and Sessions Judge, 6th Court, Barasat cum learned Special Court under the NDPS Act.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)