

D/L 12
10.09.2025
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W.P.A.19577 of 2025

**Sofikul Nadab
Versus
State of West Bengal & ors.**

Mr. Abhisekh Halder
Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Md. Muslehuddin
Ms. Susmita Das.
...for the petitioner.

Mr. Kishore Datta, Ld. A.G.
Mr. Swapan Banerjee
Ms. Sumita Shaw
Mr. Diptendu Narayan Banerjee
Mr. Soumen Chatterjee.
...for the State-respondents.

The two brothers of the petitioner approached this Court with several prayers including the factum of certain documents not being served upon them and the said documents were relied upon by the prosecution which has seriously prejudiced the two brothers of the petitioner, namely, Dildar Nadab and Asmaul Nadab.

State has submitted a document which reflects that out of 13 accused persons, 11 accused persons collected the copies which were served on or about 24.06.2025 at jail.

It is a fact that the two accused persons namely, Dildar Nadab and Asmaul Nadab were not in

possession of the aforesaid four category of documents which the prosecution has relied upon. This Court has not entered into the merits of the issue whether the prosecution has earlier served them or it was refused by the aforesaid two accused persons who are facing the trial but a criminal trial definitely requires that no prejudice is caused to the accused persons.

It has been informed by Mr. Banerjee, learned Additional Government Pleader appearing on behalf of the State that the evidence of the investigating officers are in progress.

For ends of justice so that in future the two accused persons namely, Dildar Nadab and Asmaul Nadab do not claim any prejudice, I direct the State to supply the four category of documents referred to in page 65 of the writ petition before the learned Sessions Judge in seisin of the trial by 12th September, 2025. Proper acknowledgement be obtained from the two accused persons and also the same be reflected in the order-sheet.

Mr. Banerjee, on instructions, submits that all the four witnesses can be made available before the learned trial court if the learned trial court so desires to permit the cross-examination on behalf of the aforesaid two accused persons.

Accordingly, I direct the learned trial court that if there is no inconvenience learned trial court would preferably fix date for allowing the prosecution to tender PW 14, PW 15, PW 20 and PW 24 and allow the two accused persons to cross-examine the said witnesses limited to the documents which are being supplied to them which may be completed by 15th September, 2025 and 16th September, 2025. Learned trial court would thereafter proceed in accordance with the schedule of the court as it deems fit and proper and take the trial to its logical conclusion.

So far as the other prayer which is in the writ petition particularly prayer (d), on instructions, Mr. Banerjee, learned advocate appearing on behalf of the State submits that for the present he has instructions, there are another two cases pending against both the accused persons.

So far as the issue relating to the prayer of the accused persons that they were subjected to certain torture, humiliation and ill-treatment, learned trial court has already dealt with the same in its order dated 30th August, 2025. If further inconveniences are faced by the accused persons, they would definitely bring it to the notice of the learned trial court, learned trial court would deal with the circumstances as and when it calls for interference.

With the aforesaid observations, WPA 19577 of 2025 is disposed of.

There will be no order as to costs.

Photostat copies of the order-sheets as well as the copy of the receipt endorsing the signature of the Controller, Berhampore Central Correctional Home is returned to the learned advocate appearing for the State.

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

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

(Tirthankar Ghosh, J.)