

Special Case No. 04/16

Reg No.02/22

CNR No. WBCS01 000002-2022

Order No.243

Order dated 02.08.25

Out of eight accused persons, A2 Mihir Sen Barman and A4 Prateek Bhalotia are present by filing hazira and A1 A.M Sahay, A3 Rabindra Bhalotia, A5 Jaspal Singh Chandok A6 Sandeep Singh Chaddha, A7 Piyush Mahasukh Lal Seth and A8 Uday Bhan Pandey are represented u/s 317 CrPC.

Today is fixed for hearing the petition dated 19.07.25 filed by the Id. Advocate and filing reply from the prosecution and hearing of petition filed by A1 and A4 dated 12.03.24 and rejoinder petition is filed by A4 today and hearing the petition of reissue of passport filed by A2 Mihir Sen Barman.

Ld. PP for CBI is present and files a petition stating that no document is pending to be supplied to the accused petition u/s 207 CrPC.

Now the record is taken up for hearing the petition dated 19.07.25 filed by the Id. Advocate for ED for providing certified copies of FIR, Charge Sheet along with relied upon documents in connection with the instant case.

Copy of the petition served upon the Id. PP in charge for CBI.

All the Ld. advocates for the accused persons submit that copy of the petition should be served upon them and it requires filing objection by the accused persons and thereafter the petition should be heard. But the Id. Advocate for the ED submits that it will be inordinate delay and the accused persons had no right to say on the matter of investigation by ED and the certified copy of FIR, Charge sheet and relied upon documents should be supplied at once.

Ld. PP for CBI submits that the investigation has already been completed and the documents are now under the custody of the Court and hence, CBI is not in a position to supply those documents without the direction of this court.

Since Ld. Advocate for the ED insisted for hearing the petition filed by him 19.07.25, the matter is heard without adhearing the objection raised by the Id. advocate for the accused persons.

Ld. Advocate for the ED submits that the Enforcement Directorate started investigation against the accused person under the provision of PMLA Act, 2002 by registering ECIR/KLZ-1/18/2024 dated 26.08.24. It is further stated that the petitioner wrote a letter to the CBI on 20.09.24 and in reply Superintendent of Police, CBI, ACB vide letter dated 13.06.25 communicated to him that the copies of FIR, Charge sheet and relied upon documents was filed before this court and accordingly, the present petitioner was requested to obtain certified copy of the same from this court.

Accordingly the petitioner has prayed for supplying certified copy of FIR, Charge sheet and relied upon documents from this court for the purpose of investigation.

I have gone through the case record. Certified copy will be available to any person which is part and parcel of the case record. The relied upon document is not part and parcel of the case record. For the benefit of the prosecution the documents seized by the CBI officers were marked by themselves but unless those documents admitted into evidence during trial shall not be considered as a part of parcel of the case record. In that view of the matter and since the case is pending for supply of copy to the accused persons, the ED is not entitled to get any certified copy of documents to be relied on by the CBI during trial.

Accordingly the petition filed on behalf of the ED on 19.07.25 stands rejected at this stage.

The petition filed by A4 on 12.03.24 for supplying D-11 is taken up for hearing.

Heard Id. Advocate for the accused no. 4 as well as Ld. PP for CBI.

Fix 20.08.25 for passing order in respect of the petition filed by A4 on 12.03.24 and 12.09.25 for appearance and hearing of the petitions filed by Mihir Sen Barman.

Sd/-
Judge, 3rd Special
(CBI Designated) Court
Bankshall Court, Calcutta