

M.L. CASE NO 01 OF 2020  
CNR-WBCS01-000079-2020

Present: Sri Soumendra Nath Das  
Chief Judge, City Sessions Court, Calcutta  
J.O. CODE NO.WB01132

Order no. 40 dated 21.08.2024

To-day is fixed for appearance of all the accused persons except representative of accused/Company no.4/ (M/s Shakambhari Ispat & Power Limited) positively and consideration of charge.

Ld. Counsel for the complainant/ED is present by filing hazira.

Mr. Shymal Kumar Ghosh, Ld. Counsel who is representing the accused no.01, Shri Bipin Kumar Vohra and accused no.02, Shri Arjun Kumar Santhalia u/s 205 of Cr. P.C. is present in Court by filing hazira.

The accused no.01, Shri Bipin Kumar Vohra and the accused no.02, Shri Arjun Kumar Santhalia are also present in Court in persons by filing hazira.

Hazira has been filed on behalf of the accused/Company no.4/(M/s Shakambhari Ispat & Power Limited (SIPL) through Ld. Counsel.

Ld. Counsel for the accused/Company no.4/(M/s Shakambhari Ispat & Power Limited (SIPL) submits that the presence of the accused/Company no.4/(M/s Shakambhari Ispat & Power Limited (SIPL) has been dispensed with in view of the order dated 12.04.2024 passed by the Hon'ble High Court at Calcutta in connection with C.R.R. 4326 of 2023.

Ld. Counsel for the accused person no.01, Shri Bipin Kumar Vohra and accused person no.02, Shri Arjun Kumar Santhalia files a petition along with copies of orders passed by the Hon'ble Apex Court in connection with Criminal Appeal No (s). 1733/2022 with CrI. A. No.1734/2022 (II-B), CrI. A. No.1735 (II-B), CrI. A. No.1736 (II-B) stating that the cases which make out the scheduled offence has been challenged before the Hon'ble High Court at Calcutta which has referred the instant cases for adjudication before the adjudicating authority.

Ld. Counsel for the accused person nos.01 and 02 further stated that at the time of framing of charge in terms of the Code of Criminal Procedure, 1973, the original documents and/or other materials upon which the complainant/opposite party relies are required to be placed before this Court and on perusal of the original documents and/or other materials which the complainant relies upon the charge will be framed against the accused/petitioners by this Court.

Ld. Counsel for the accused person nos.1 and 2 further stated that the complainant has not submitted and or placed before this Court the original documents and/or other materials upon which the complainant relies and therefore the Ld. Counsel prays for directing the complainant to produce and/or submit and/ or place the original documents and /or other materials which the complainant relies upon so that on perusal of the said original documents and upon being satisfied with the original documents this Court can frame charge against the accused/petitioners.

Ld. Counsel for the accused person nos.1 and 2 also prays to keep the framing of charge against the accused/petitioners in abeyance till the complainant places on record the original documents and/or other materials relied upon by the complainant.

Copy served as per the endorsement.

Let the same be kept with the record.

Ld. Counsel for the complainant/ED submits that Prosecution is inclined to file written objection against the petition filed today on behalf of the accused person nos.1 and 2.

In view of such fact, this Court is of the view the charge could not be framed until or unless the petition dated 21.08.2024 filed on behalf of the accused person nos.1 and 2 is disposed of.

Fix **26.09.2024** for appearance of all the accused persons except representative of accused/Company no.4/ (M/s Shakambhari Ispat & Power Limited) positively and hearing of the petition dated 21.08.2024 filed on behalf of the accused nos.1 and 2.

Written objection, if any, in the meantime.

As per submissions of both sides, hearing on the point of consideration of charge is kept in abeyance till disposal of the petition dated 21.08.2024 filed on behalf of the accused nos.1 and 2.

Let a copy of this order be sent to the Ld. Advocate for the Complainant/ED for information.

D/C by me.

Sd./-  
Chief Judge  
City Sessions Court, Calcutta

Chief Judge  
City Sessions Court, Calcutta