

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. 41 dated 26.09.2024

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 hearing of the petition dated 21.08.2024 filed on behalf of the accused nos.1 and 2.

Sri Arijit Chakrabarti, 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.

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

The petition dated 21.08.2024 filed on behalf of the accused nos.1 and 2 is now taken up for hearing.

Ld. Counsel for the accused person no.01, Shri Bipin Kumar Vohra and accused person no.02, Shri Arjun Kumar Santhalia submits 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 said 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 argued that the complainant has not submitted and or placed before this Court the original documents and/or other materials upon which the complainant relied upon 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 complainant/ED submits that necessary order may be passed directing the Prosecution to produce all the original documents and /or other materials which the complainant has relied upon before this Court for inspection for proceeding with the trial expeditiously.

Heard both sides.

Prayer for a direction upon the complainant to produce and/or submit and/ or place the original documents and /or other materials which the complainant relies upon before this Court is considered and allowed.

Accordingly, the complainant/ED is directed to take necessary steps to produce and/or submit and/ or place the original documents and /or other materials which the complainant relies upon before this Court on the next date fixed for inspection by the accused persons in presence of all sides after observing all legal formalities.

With the above directions the petition dated 21.08.2024 is, accordingly, disposed of.

On submissions of both sides, fix **25.11.2024** for appearance of all the accused persons except representative of accused/Company no.4/ (M/s Shakambhari Ispat & Power Limited) positively and for production of the original documents and /or other materials which the complainant relies upon by the Prosecution for inspection before this Court.

Puja vacation intervenes from 09.10.2024 to 04.11.2024.

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

D/C by me.

Sd./-
Chief Judge
City Sessions Court, Calcutta

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