

In the Court of the Judge, 2nd Special Court, Calcutta
Complaint Case No.07/2020 (Computer Registration No.07/2020)
CNR No. WBCS01-000133-2020
Present :- Ananta Kumar Singha Mahapatra (J.O Code-WB00902).

Order No.43
29.08.2023

Today is fixed for appearance of the accused nos.1 to 21 and hearing of the application under Section 205 of the CrPC dated 20.07.2023 filed on behalf of accused no.22 Asitabha Jana.

Accused nos.(9, 14, 11, 20), (10, 16, 19) and 21 are present by filing separate haziras.

The learned Special PP for SFIO is present.

The accused nos.1 to 8 filed an application supported with an affidavit stating that accused no.9 Pramatha Nath Manna who is the Chairman cum Managing Director of all the accused company nos.1 to 8 will represent those companies.

Heard both sides. Perused the said application and the case record. Considered.

It is submitted on behalf of the accused nos.1 to 8 companies that they are unable to furnish any board resolution as the registered office of the companies has been sealed. The learned Special PP for SFIO raised objection. I find no reason to disbelieve the contention of the accused companies. Moreover, the accused no.9 Pramatha Nath Manna is the Chairman cum Managing Director of all the accused company nos.1 to 8. Accordingly, the application filed on behalf of the accused company nos.1 to 8 is allowed. **Let the accused company nos.1 to 8 be represented by accused no.9 Pramatha Nath Manna.**

Now, heard both sides in respect of the application under Section 205 of the CrPC dated 20.07.2023 filed on behalf of accused no.22 Asitabha Jana.

Perused the said application and the case record. Considered.

By filing the said application dated 20.07.2023 it has been contended on behalf of accused Asitabha Jana that he is suffering from various illness and is not in a position to attend the Court.

The learned Special PP for SFIO has raised strong objection.

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No doubt, the Court can exempt appearance of the accused by exercising discretionary power under Section 205 of the CrPC, but such discretion has to be exercised depending upon the circumstances without subjecting the accused to any unnecessary harassment.

On perusing the photocopies of the medical documents annexed with the said application, it appears that accused Asitabha Jana is suffering from various illness and has been advised restful life at home by the medical practitioner. He is also aged about 70 years. Moreover, the accused has undertaken not to dispute his identity and that his learned advocate will remain present in the court and he has no objection in taking evidence in his absence. The offences alleged against accused Asitabha Jana are punishable with imprisonment for a maximum period which may extend up to two years.

In such circumstances, I am inclined to allow the application under Section 205 of the Cr.P.C. filed by accused no.22 Asitabha Jana with condition that he will obtain bail as expeditiously as feasible.

Hence, it is,

ORDERED

that the application under Section 205 of the Cr.P.C. dated 20.07.2023 filed on behalf of accused no.22 Asitabha Jana is considered and **allowed**. The said accused is directed to obtain bail as expeditiously as feasible.

At this stage, two separate applications are filed on behalf of accused nos.12 and 17 Prabir Kumar Chandra and Pranab Kumar Das, respectively stating that they could not appear before this Court as they are in custody in connection with ML Case No.08 of 2018 filed by ED.

Heard both sides. Perused the said applications and the case record. Considered. As accused Prabir Kumar Chandra and Pranab Kumar Das are in custody, the Superintendent of concerned correctional home be directed to produce the accused Prabir Kumar Chandra and Pranab Kumar Das before this Court on the next date of hearing. **The learned**

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Special PP for SFIO is directed to file requisites for issuance of production warrant against these two accused persons accordingly.

Let a copy of this order be given to the learned Special PP for SFIO for his information and taking necessary action.

To 04.12.2023 for charge hearing. All the accused persons must remain present.

Dictated and corrected by me

**Judge, 2nd Special Court,
Calcutta
J.O. Code-WB00902**

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