

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.50
21.11.2024

1. Today is fixed for appearance of the accused persons, hearing of the application praying for discharge filed by A-22, the application under Section 227 of the CrPC filed by A-13 to A-15 and the application filed by A-9.
2. The learned advocate for the SFIO is present and filed written objection against the application praying for discharge filed by A-13 to A-15.
3. A-9 is present on behalf of A-1 to A-8 companies under Section 305 of the CrPC.
4. A-9 to A-12, A-16, A-17, A-19 to A-21 are present by filing separate haziras.
5. A-22 is represented under Section 205 of the CrPC. He filed an application praying for an adjournment for hearing of his discharge application.
6. A-13 to A-15 filed an application praying for representation under section 317 of the CrPC.
7. A-18 filed an application praying for condoning his absence.
8. A-2 to A-8 filed an application praying for discharge on the ground stated therein.
9. A-9 filed another application under section 91 of the CrPC.
10. Heard both sides in respect of the applications praying for adjournment and representation under section 317 of the CrPC filed today and those applications are allowed.
11. Now heard both sides in respect of the application under Rule 91A of the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985, hereinafter referred to as the said Rule, in short, filed by A-9 on 10.09.2024 and the application filed by him today under section 91 of the CrPC.
12. The learned advocate for A-9 submitted that as per Rule 91A of the said Rule the accused is entitled to get list of statements, documents, material objects and exhibits that are not relied upon by the investigating officer.

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13. In respect of the application under section 91 of the CrPC filed today, the learned advocate for A-9 submitted that while he was in custody in connection with other cases, the investigating agencies have seized several documents and electronic records from several offices of his companies. That to contradict and deny the allegation of the prosecution, the accused is in requirement of various documents which are lying with Hon'ble Justice S P Talukdar Committee, hereinafter referred to as the said committee, in short. He thus, prayed for directing the said committee, CBI, ED, State Police, SEBI, SFIO, etc. to produce the documents as stated in the said application.

14. The learned advocate for the SFIO raised verbal objections against these applications.

15. As per Explanation of Rule 91A of the said Rule, the accused is entitled to get list of statements, documents, material objects and exhibits that are not relied upon by the investigating officer. Accordingly, the application under Rule 91A of the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985 dated 10.09.2024 filed by A-9 **is allowed**. The investigating officer is directed to furnish the list of statements, documents, material objects and exhibits that are not relied upon by him.

16. Now, the application under section 91 of the CrPC filed by A-9 is taken up for passing order. Admittedly, A-9 has received copies of the documents that are relied upon by the prosecution in this case. The documents that have been sought for by the accused are not lying before this court or before the SFIO. Apparently A-9 or the companies of which he was/is the director are party in the various cases that have been referred to by A-9 in his application. The accused can obtain certified copies of the documents by making appropriate applications before the courts where such cases are pending. He can also file appropriate application for obtaining copies of documents from the Hon'ble Committee.

17. In such circumstances, I find no merit in the application under section 91 of the CrPC filed today and the said application **is rejected**.

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18. To **05.02.2025** for hearing of the applications praying for discharge filed by A-22, the application under Section 227 of the CrPC filed by A-13 to A-15 and the application under Section 227 of the CrPC filed by A-2 to A-8.

Dictated and corrected by me

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

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