

Special ACB Case No.-4/2019
Filing No.-544/2019
CNR No.-WBCS01-000545-2019

Order No.-52

Dated: 31/01/2023

Out of two accused persons on CB, the accused Subhendu Bhattacharya is present by filing hazira. The accused Tanushree Bhattacharya is absent by petition and has prayed for time.

Ld. Spl PP is present.

Today is fixed for hearing of the petition dt. 06/12/2022 filed on behalf of the accused persons and also hearing of the petition u/s 227 Cr.P.C.

The petition dt. 06/12/2022 filed on behalf of the accused persons is taken up for hearing.

It is submitted by Ld. Defence Lawyer that after initiation of this case, a raid was conducted by the investigating agency. In course of raid several articles were seized. Now the charge sheet has been submitted in this case. The accused persons have prayed for returning them back some of the articles upon which the prosecution did not rely. The list of those articles have been mentioned in the petition.

Ld. Spl PP opposes the petition vehemently and has submitted that the Dy. Superintendent of Police, Directorate of Anti-Corruption Branch, West Bengal submitted a report to the effect that those articles were seized during house search on 13/06/2019.

It is undisputed that as per seizure list those articles were seized but the thing which are required to be clarified is that whether the prosecution will rely on those articles in course of trial. The I.O did not make it clear in his report submitted this date.

The I.O is therefore directed to appear before this Court with a clear report to the effect that whether the prosecution will rely or intended to rely on those articles in course of trial which the accused persons submitted to get back.

Fixing **03/04/2023** for further hearing of the petition dated 06/12/2022 filed on behalf of the accused persons and clear clarification by the I.O with appropriate report.

To date for appearance.

The petition u/s 227 Cr.P.C filed by the accused persons dated 16/12/2021 will be taken up for disposal after disposing the petition dated 06/12/2022.

Let a copy of this order be sent to the Deputy Superintendent of Police, Directorate of Anti-Corruption Branch, West Bengal for information and compliance.

Return CD.

D/c by me.

Judge, Bench-II,
City Sessions Court, Calcutta
JO Code No.-WB00656