

Spl ACB Case No.09 of 2017
Filling No.583/2017
CNR No.- WBCS01-000583-2017

Order No.71
Dated 19.03.2025

Both the accused persons on CB are present by filing hazira.

The Ld. Advocate for the accused persons and the Ld. P.P. are also present.

The Ld. P.P. opens the case for the prosecution u/s 226 of Cr.P.C. by describing the charge against the accused persons.

This is a case u/s 13(2) r/w 13(1)(e) of the Prevention of Corruption Act against the accused Ashok Kumar Dey. The co-accused Smt. Sabari Dey, wife of Ashok Kumar Dey allegedly abetted such offence and criminally conspired with her husband u/s 109/120B of IPC. According to the Ld. P.P. there are sufficient materials to establish that the accused committed criminal misconduct u/s 13(1)(b) of the Prevention of Corruption Act and is accordingly, liable to be tried for the offence u/s 13(2) of the same Act.

According to statement A annexed to the charge sheet the total assets of the accused was 14,66,306/- at the beginning of the check period i.e. on 01.01.2013 but his assets at the end of the check period i.e. on 18.04.2017 was 1,74,15,216/- as per statement B. According to statement C the income of the accused during the check period was Rs.16,86,163/-. The Ld. P.P. intends to prove this disproportionate assets of the accused by means of the documents and articles seized during investigation.

Ld. Advocate for the accused persons pointed out that some of his investments made prior to the check period were also shown as his income during the check period. It is further submitted that the I.O. did not produce the statements regarding I T Return, Form 16 etc. According to the Ld. Advocate the calculation of assets at the end of the check period was incorrect and made whimsically by the I.O.

Perused the CD and other materials on record.

After hearing submissions made on behalf of the accused and the prosecution and after considering the available materials in the CD as well as in the case record, I find sufficient ground for proceeding against the accused persons u/s 13(2) r/w 13(1)(b) of the Prevention of Corruption Act, 1988 and u/s 109/120B of the IPC.

Accordingly, fix **21.05.2025** for framing of charge.

To date for appearance of the accused persons.

Dictated & corrected by me.

Judge, Bench – II,
City Sessions Court,
Calcutta.
J.O. Code No. WB00868

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