

M.L. CASE NO 07 OF 2018

CNR-WBCS01-000592-2018

**Present: Sri Siddhartha Kanjilal
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01057**

Order no 27 dated 07.09.2022

To-day is fixed for further hearing of the petition dated 31.03.2022, appearance of the accused nos. 1 to 3 and filing supplementary petition mentioning the detail of the accused persons along with annexure regarding the commission of offence with index.

Ld. Advocate for the Complainant/Enforcement Directorate is present and files hazira.

Mr. Subhas Dubey who is representing the accused company no.01) M/s Prakash Vanijya Pvt. Ltd. and Mr. Joy Prakash Singh who is representing the accused company no.03) M/s Louis Dryfus Company India Pvt. Ltd. u/s 305 of the Cr. P.C. are present in Court and have filed hazira.

Accused no.02) namely MannoJ Kumar Jain is on court bail and is present in Court by filing hazira.

One petition u/s 205 of Cr. P.C. is filed on behalf of the accused no.02) namely MannoJ Kumar Jain.

Copy served.

The petition u/s 205 of Cr. P.C. on behalf of the accused no.02) namely MannoJ Kumar Jain is taken up for hearing.

Ld. Lawyer for the accused no.02) namely MannoJ Kumar Jain submits that the accused/petitioner is aged about 48 years and he is on Court bail and the accused/petitioner is not in a position to attend this Court on each and every date since he is a businessman and he needs to attend his legal matters pending in Delhi.

Ld. Advocate on behalf of the accused/petitioner further submits that the accused/petitioner has a permanent residence and the case is based on papers and documents and the question of identification of the accused petitioner is not required and the accused/petitioner undertakes not to challenge on the point of identification at any point of time in this case.

Ld. Advocate prays for passing order to dispense with the personal appearance of the accused/petitioner and allow the Ld. Advocate, Miss Jayashree Roy to represent the accused/petitioner u/s 205 of Cr. P.C.

Ld. Advocate on behalf of the complainant/ED though opposed the prayer u/s 205 Cr. P.C., but left the matter on the discretion of the Court.

Continued.....

Continued order no.27 dated 07.07.2022

After hearing of both sides and perusing the materials on record it transpires that the case is based on documents and the accused/petitioner has undertaken not to challenge on the point of identification at any point of time in this instant case and day to day appearance of the accused in Court is at present not required.

Hence, the prayer u/s 205 of Cr. P.C. stands allowed.

However, the accused no.02) namely MannoJ Kumar Jain is directed to appear before this Court as and when called for.

One supplementary complaint dated 31.03.2022 is filed on behalf of the complainant in terms of order dated 07.07.2022 passed by this Court.

Let the same be kept in the record.

The petition dated 31.03.2022 filed on behalf of the complainant is taken up for further hearing along with the supplementary complaints.

Complainant, Sri Sitesh Ratna, Assistant Director, PMLA, Enforcement Directorate, Govt. Of India files a supplementary complaint through Ld. Advocate, Adil Rashid under section 44 and 45 of Prevention of Money Laundering Act, 2002 for commission of offence of money laundering as defined under section 3 read with section 70, punishable under section 4 of PMLA, 2002 against **1) M/s Concast Exim Limited, (Accused no.-04), 2) M/s Concast Bengal Industries Limited (Accused no.-05), 03) M/s Concast Steel & Power Limited (Accused no.-06), 04) M/s Concast Ispat Limited (Accused no.-07), 05) M/s Dankuni Steel Limited (Accused no.-08), 06) Shri Sanjay Sureka (Accused no.-09), 07) M/s Saraf Impex Pvt. Limited (Accused no.-10), 08) Shri Pravin Saraf (Accused no.-11), 09) M/s MMP Exim Pvt. Limited (Accused no.-12), 10) Shri Krishna Kumar Todi (Accused no.-13), 11) M/s Tirupati Fuels Pvt. Limited (Accused no.-14), 12) Shri Naresh Sharma (Accused no.-15), 13) Shri Pankaj Shah (Accused no.-16) and 14) Shri Rakesh Jaiswal (Accused no.-17)** for the offence punishable u/s 4 of PMLA with prayer (s) to **i)** take cognizance of the offence of money laundering as defined u/s 3 and section 3 read with section 70 of PMLA, 2002, punishable u/s 4 of PMLA and proceed in accordance with law and issue process against the accused persons and punish the accused in accordance with law, **ii)** confiscate the properties as detailed in para 7, which are involved in money laundering in terms of section 8((5) of PMLA and **iii)** to grant any other relief, which this Court deems fit and proper. Perused the petition of supplementary complaint and the documents annexed thereto.

Continued.....

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Ld. Advocate for the complainant submits that the complainant being Assistant Director, Enforcement Director, Govt. Of India has been duly authorized by the Central Government to lodge a complaint u/s 44 and 45 of Prevention of Money Laundering Act, 2002 and as such he is a competent person to file the instant complaint.

Complainant being a public servant duly authorized to lodge complaint u/s 44 and 45 of Prevention of Money Laundering Act, 2002 is exempted from examination u/s 200 of Cr. P.C.

On perusal of the petition of supplementary complaint and the documents annexed thereto, I find that complainant has been able to make out a prima facie case for the offence u/s 3 of Prevention of Money Laundering Act, 2002, punishable u/s 4 of Prevention of Money Laundering Act, 2002 against the above named three accused persons mentioned in the petition of supplementary complaint as per the statement of the witness.

Accordingly, cognizance is

Office is to note in the relevant register and CIS, if any.

Issue summon to the accused persons accordingly.

Complainant is directed to put in requisites at once for service of summon upon the accused persons.

To **09.09.2022** for S/R and appearance.

To **11.11.2022** for taking proper steps on behalf of the accused nos.01 to 03.

Annual vacation intervenes from 01.10.2022 to 27.10.2022.

Let a copy of this order be sent to the complainant/E.D. through Ld. Special P.P. for information and necessary compliance.

D/C by me.

Chief Judge
City Sessions Court.
Calcutta.

Chief Judge
City Sessions Court.
Calcutta