

M.L. CASE NO 07 OF 2018
CNR-WBCS01-000592-2018
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order no.56 dated 26.06.2024

To-day is fixed for appearance of all the accused persons and further hearing of the petition dated 20.11.2023 filed on behalf of Sanjit Kumar Nayak, the Liquidator of accused/company no.(A-10) together with the written objection dated 21.02.2024 filed on behalf of the Complainant/ Enforcement Directorate.

Ld. Counsel for the Complainant/Enforcement Directorate is present by filing hazira.

Mr. Subhas Dubey who is representing the accused Company no.(A-01) M/s Prakash Vanijya Pvt. Ltd. u/s 305 of the Cr. P.C. is found absent on repeated calls.

No step is taken on behalf of Mr. Subhas Dubey who is representing the accused Company no.(A-01) M/s Prakash Vanijya Pvt. Ltd. u/s 305 of the Cr. P.C.

Ms. Jayashree Roy who is representing the Accused no.(A-02) namely MannoJ Kumar Jain u/s 205 of the Cr. P.C. and the accused/company nos.(A-12) M/s M.M.P. Exim Pvt. Ltd. and (A-14) M/s Tirupati Fuels Pvt. u/s 305 of the Cr. P.C. is found absent on calls.

Mr. Suvoranjan Mukherjee who is representing accused nos.(A-09) Shri Sanjay Sureka, (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi, (A-15) Shri Naresh Sharma, (A-16) Shri Pankaj Shah and (A-17) Shri Rakesh Jaiswal u/s 205 of the Cr. P.C. is found absent on repeated calls.

No step is taken on behalf of Ms. Jayashree Roy and Mr. Suvoranjan Mukherjee who are representing the accused and or the accused company no.(A-2), (A-9), (A-11), (A-13), (A-15), (A-16), (A-17), (A-) and (A-14) u/s 205 of the Cr. P.C. and u/s 305 of the Cr. P.C.

Ld. Counsel for Mr. Kshitiz Chhawchharia of Chhawchharia & Co., who was appointed on behalf of the accused/petitioner nos. (A-04) M/s Concast Exim Limited, (A-05) M/s Concast Bengal Industries Limited, (A-06) M/s Concast Steel & Power Limited, (A-07) M/s Concast Ispat Limited, (A-08) M/s Dankuni Steel Limited is also found absent on calls.

No step is taken on behalf of the accused/petitioner nos. (A-04) M/s Concast Exim Limited, (A-05) M/s Concast Bengal Industries Limited, (A-06) M/s Concast Steel & Power Limited, (A-07) M/s Concast Ispat Limited, (A-08) M/s Dankuni Steel Limited.

Mr. Joy Prakash Singh who is representing the accused Company no.(A-03) M/s Louis Dryfus Company India Pvt. Ltd. u/s 305 of the Cr. P.C. is absent by petition and prays for condoning his absence on the ground stated therein.

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Continued order no.56 dated 26.06.2024

Mr. Sanjit Kumar Nayak, the official Liquidator representing the accused /company no.(A-10) is absent by petition and prays for condoning his absence on the ground stated therein.

Having heard both sides and also on consideration of the resolution “Not to pass any adverse order” taken by local Bar, prayer for condoning absence of Mr. Joy Prakash Singh who is representing the accused Company no.(A-03) M/s Louis Dryfus Company India Pvt. Ltd. u/s 305 of the Cr. P.C and Mr. Sanjit Kumar Nayak, the official Liquidator representing the accused /company no.(A-10) is considered and allowed with a direction to remain present before this Court on the next date fixed.

The petition dated 20.11.2023 filed on behalf of Sanjit Kumar Nayak, the Liquidator of accused/company no.(A-10) is taken up for further hearing together with the written objection filed on 21.02.2024 on behalf of the Complainant/Enforcement Directorate.

At this juncture, a petition has been filed on behalf of Sanjit Kumar Nayak, the Liquidator of accused/company no.(A-10) stating that conducting Ld. Counsel is unable to conduct the hearing today and as such an adjournment has been prayed for.

Having heard both sides on the point of adjournment and also on consideration of the resolution “Not to pass any adverse order” taken by local Bar, prayer for time is considered and allowed.

In view of the resolution “**Not to pass any adverse order**” taken by local Bar, this Court is not inclined to pass any adverse order.

Accordingly, the case is adjourned for the ends of justice.

At this juncture, Ld. Counsel for the Complainant/Enforcement Directorate draws attention of this Court to the order no.44 dated 30.11.2023 passed by this Court and submits that copies of the relied upon and non relied upon documents were supplied to the accused persons in presence of the Ld. Counsel for the accused persons after due endorsement in the acknowledgment receipts and therefore it is prayed for fixing date for consideration of charge.

Perused this Court’s order no.44 dated 30.11.2023 wherefrom it is crystal clear that copies of the relied upon and non relied upon documents were supplied to the accused persons in presence of the Ld. Counsel for the accused persons.

On perusal of the case record and having heard the submission of the Ld. Counsel for the Complainant/Enforcement Directorate, the case is fixed for consideration of charge.

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Continued order no.56 dated 26.06.2024

Fix **12.07.2024** for further hearing of the petition dated 20.11.2023 filed on behalf of Sanjit Kumar Nayak, the Liquidator of accused/company no.(A-10) together with the written objection dated 21.02.2024 filed on behalf of the Complainant/ Enforcement Directorate.

Fix **02.08.2024** for appearance of all the accused persons and consideration of charge.

All the accused persons are directed to remain present before this Court on the next date fixed i.e. on 02.08.2024 positively.

Let a copy of this order be sent to the Complainant/ Enforcement Directorate through Ld. Special P.P. for information and necessary action.

D/C by me

Sd./-
Chief Judge
City Sessions Court
Calcutta

Chief Judge
City Sessions Court
Calcutta