

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.63 dated 03.09.2024

To-day is fixed for hearing of the petition dated 29.07.2024 filed on behalf of the Central Bank of India praying for a direction upon the Adjudicating Authority under the PMLA Act for releasing the properties from attachment with regard to the secured assets as stated in paragraph no.3 of the said petition.

To-day is also fixed for appearance of all the accused persons and consideration of charge.

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 present in Court by filing hazira.

Ms. Jayashree Roy who is representing the Accused person no.(A-02) namely MannoJ Kumar Jain u/s 205 of the Cr. P.C. and also representing 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.

The accused person no.(A-02) namely MannoJ Kumar Jain is present in Court by filing hazira.

A petition has been filed stating that Ms. Jayashree Roy who is representing 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 unable to attend Court due to some personal difficulties and therefore it is prayed for condoning her absence with a further prayer for an adjournment.

Heard both sides on the point of condoning absence of Ms. Jayashree Roy.

Prayer is considered and allowed with a direction upon Ms. Jayashree Roy who is representing 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. to remain present before this Court on the next date fixed positively.

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 present in Court by filing hazira.

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 present by filing hazira.

Mr. Suvorajan Mukherjee who is representing accused person 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 present in Court on calls.

The accused persons namely (A-09) Shri Sanjay Sureka, (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi, (A-15) Shri Naresh Sharma and (A-16) Shri Pankaj Shah who are on court bail and present in Court in person by filing respective haziras.

Ld. Counsel for the official Liquidator, Mr. Sanjit Kumar Nayak, representing the accused /company no.(A-10) is present in Court by filing hazira.

The accused person namely (A-17) Shri Rakesh Jaiswal is found absent on calls.

The record is taken up for consideration of charge.

A petition along with photocopies of medical papers has been filed on behalf of the accused person namely (A-17) Shri Rakesh Jaiswal stating that the accused/petitioner is unable to attend Court today as he is ill and has become partially paralytic and therefore an adjournment has been prayed for.

Another petition has been filed on behalf of the accused Company no.(A-03) M/s Louis Dryfus Company India Pvt. Ltd. stating that the accused/petitioner no.(A-3) has preferred a revision before the Hon'ble High Court at Calcutta bearing CRR No.1145 of 2024 challenging the entire proceedings drawn up in connection with this case so far as it relates to the accused no.(A-3).

Ld. Counsel for the accused Company no.(A-03) further stated that the said revision was admitted by the Hon'ble Court and the same is sub judice and the matter will be taken up for hearing soon and therefore an adjournment has been prayed for.

Having heard both sides on the point of adjournment.

This Court finds that no order of stay passed by the Hon'ble High Court at Calcutta has yet been furnished by the accused Company no.(A-03).

Having heard the submissions of both sides and also on consideration of the fact that the person namely (A-17) Shri Rakesh Jaiswal is not present before this Court today, prayer for an adjournment is considered and allowed with a direction upon all the accused persons to remain present before this Court on the next date fixed positively.

One written objection has been filed on behalf of the Prosecution against the petition dated 02.08.2024 filed by the accused person namely (A-16) Shri Pankaj Shah.

On perusal of the case record it transpires that this Court vide order no.60 dated 02.08.2024 directed the complainant/ED to supply copies of relied upon and non-relied upon documents as mentioned in the petition dated 02.08.2024 to the accused person no.16 in the meantime with a further direction to file an acknowledgement receipt in this regard.

In view of such fact, let the petition dated 02.08.2024 filed by the accused person namely (A-16) Shri Pankaj Shah be fixed for further hearing.

Now, the petition dated **29.07.2024** filed on behalf of the Central Bank of India praying for a direction upon the Adjudicating Authority of the PMLA Act for release of the properties from the order of attachment is taken up for hearing at first.

Heard the Ld. Counsel for the Central Bank of India in part.

At this juncture, a petition has been filed on behalf of the Central Bank of India praying for an adjournment on the ground stated therein.

Heard both sides on the point of adjournment.

Prayer for an adjournment is considered and allowed.

Fix **08.11.2024** for further hearing of the petition dated **29.07.2024** filed on behalf of the Central Bank of India praying for a direction upon the Adjudicating Authority under the PMLA Act for release of the properties from the order of attachment at first and thereafter further hearing of the petition dated **02.08.2024** filed by the accused person namely (A-16) Shri Pankaj Shah together with the written objection dated **03.09.2024** filed on behalf of the Prosecution.

Fix **18.11.2024** 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 18.11.2024 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

