

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.66 dated 18.11.2024

Today is fixed for appearance of all the accused persons and consideration of charge.

Today is also fixed 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.

Today is also fixed for hearing of the petition dated **11.09.2024** 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 passed on 26.12.2017 in O.C. no.804/2017 as against the amount of Rs.23, 87, 81, 374/- (Rupees Twenty Three Crores, Eighty Seven lakh, Eighty One Thousand, Three Hundred and Seventy Four only) as mentioned in the schedule of the petition dated 11.09.2024.

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 present by filing hazira.

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

Mr. Suvoranjana Mukherjee who is representing the 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 present in Court by filing hazira.

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.

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.

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 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.

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. Ltd. 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.

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.

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 are present in Court in person.

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

A petition along with copy of medical documents has been filed on behalf of the accused person namely (A-17) Shri Rakesh Jaiswal stating that the accused person is suffering from various ailments and prays for condoning his absence with a further prayer for an adjournment.

Another petition along with server copies of orders dated 19.03.2024, 03.05.2024, 04.10.2024 and 14.11.2024 of the Hon'ble Court in connection with CRR No 1145 of 2024 has been filed on behalf of accused no. 3 M/s Louis Dryfus Company India Pvt. Ltd and stated that the said revisional application has been fixed for hearing on 19.11.2024 along with the stay application bearing CRAN 1 of 2024 before the Hon'ble High Court at Calcutta and he also prays for an adjournment.

Having heard the submissions of both sides, the prayer for adjournment of this accused person is allowed with a direction to remain present before this Court on the next date fixed positively.

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 are taken up for hearing together.

At the time of hearing, Ld. Spl. P.P for E.D handed over the relied upon documents to the Ld. Advocate for accused no. (A-16) Shri Pankaj Shah and files acknowledgement of receipt of documents to that effect.

Let the acknowledgement be kept with the record.

After receiving the relied upon documents Ld. Advocate for this accused submits before this Court that the Ld. Spl. P.P for E.D could not supply the list of unrelieved upon documents as per section 91A of the gazette notification vide no. 2301-G- 14th July, 2022 issued by the Hon'ble High Court at Calcutta and so he prays for passing necessary order.

Ld. Spl. P.P verbally prays for time for supplying the same.

Heard both sides.

I have carefully perused Rule 91A of the Kolkata Gazette of the Hon'ble High Court at Calcutta vide Notification No 2301- G-14th July, 2022 which is as follows :-

“Every Accused shall be supplied with statements of witness recorded under Sections 161 and 164 of the Code and a list of documents, material objects and exhibits seized during investigation and relied upon by the Investigating Officer (IO) in accordance with Sections 207 and 208 of the Code”.

I have also perused the order no. 60 dated 02.08.2024 passed by this Court wherein it is specifically directed as follows “Having heard the submissions of both sides, prayer for supply of copies of relied upon and list of non-relied upon documents as mentioned in the petition dated 02.08.2024 to the accused/petitioner is considered and allowed for ensuring the fair trial rights of the accused persons”

In view of such circumstances the Ld. Spl. P.P for E.D is directed to supply the list of non-relied upon documents in compliance with Rule 91A of the gazette notification vide no. 2301-G- 14th July, 2022 issued by the Hon'ble High Court at Calcutta to the accused person on the next date fixed positively.

With the above direction the petition dated **02.08.2024** filed by the accused person namely (A-16) Shri Pankaj Shah is allowed.

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

Having heard the submissions of all the parties and also on consideration of the fact that the accused 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.

Ld. Advocate for the accused no. 2 Manoj Kumar Jain files a petition u/s 205 Cr.P.C along with fresh Vakalatnama after serving the copy to the Ld. Spl. P.P for E.D with endorsement copy received. Let it be kept with the record.

Written Objection, if any in the meantime.

Ld. Advocate for the accused no. 1 company namely M/s Prakash Vanijya Pvt. Ltd files a petition u/s 305 Cr.P.C after serving to the Ld. Spl. P.P for E.D with endorsement copy received. Let it be kept with the record.

Written Objection, if any in the meantime.

Fix **09.12.2024** 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.

Todate i.e. **09.12.2024** is also fixed for hearing of the petition filed by the accused person no. 2 Manoj Kumar Jain u/s 205 Cr.P.C.

Todate i.e. **09.12.2024** is also fixed for hearing of the petition on behalf of the M/s Prakash Vanijya Pvt. Ltd u/s 305 Cr.P.C.

Todate i.e. **09.12.2024** 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