

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.68 dated 27.01.2025

To-day is fixed for hearing of the petition dated 18.11.2024 filed by the accused person no. 2 Manoj Kumar Jain u/s 205 Cr. P.C.

To-day is also fixed for hearing of the petition dated 18.11.2024 filed on behalf of the accused/company no.1) M/s Prakash Vanijya Pvt. Ltd u/s 305 Cr. P.C.

To-day is also fixed for hearing of the two petitions dated 09.12.2024 filed on behalf of the accused/company no.(A-12) M/s M.M.P. Exim Pvt. Ltd. and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. u/s 305 of Cr. P.C.

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

To-day is also fixed for bringing updated order of the Hon'ble Court, if any.

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

Miss Richa Sharma who has filed the petition dated 18.11.2024 on behalf of the accused/company no.1) M/s Prakash Vanijya Pvt. Ltd u/s 305 Cr. P.C. is present in Court by filing hazira.

Sri Arka Ghosh who has filed the petition dated 18.11.2024 on behalf of the accused person no. 2 Manoj Kumar Jain u/s 205 Cr. P.C. is also present 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 also found present and files hazira.

Ld. Counsel for the official liquidator 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. Suvoranjan 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 and (A-16) Shri Pankaj Shah u/s 205 of the Cr. P.C. is present in Court 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-2) Manoj Kumar Jain, (A-11) Shri Pravin Saraf and (A-13) Shri Krishna Kumar Todi who are on court bail are present in Court in person by filing hazira.

Krishna Kumar Todi who has filed the petition dated 09.12.2024 filed on behalf of the accused/company no.(A-12) M/s M.M.P. Exim Pvt. Ltd. u/s 305 Cr. P.C. is also present in Court by filing hazira.

Ld. Advocate, Miss Dishani Kanjilal who has filed the petitions dated 09.12.2024 on

behalf of the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. u/s 305 Cr. P.C. is also present in Court by filing hazira.

The accused persons namely (A-09) Shri Sanjay Sureka, (A-15) Shri Naresh Sharma, (A-16) Shri Pankaj Shah and (A-17) Shri Rakesh Jaiswal are found absent on calls.

A petition has been filed on behalf of the Prosecution stating that the accused person no. (A-09) namely Shri Sanjay Sureka who is on Court bail in this case is presently in Judicial Custody in Presidency Correctional Home in connection with M.L. Case no.12 of 2024 (ECIR/KLZO-I/10/2023 dated 24.03.2023) and the next date for production of the said accused person has been fixed on 30.01.2025 in connection with the said M.L. Case no.12 of 2024 and therefore Ld. Counsel for the Complainant/Enforcement Directorate prays for issuance of production warrant against the accused person no. (A-09) namely Shri Sanjay Sureka with a further prayer for a direction upon the Superintendent of Presidency Correctional Home to produce the said accused person before this Court on the next date fixed.

Perused the petition.

Heard both sides on the point of issuance of production warrant against the accused person no. (A-09) namely Shri Sanjay Sureka.

In view of the above fact, let a production warrant be issued in respect of the accused person no.(A-09) namely Shri Sanjay Sureka at once.

Office is to do the needful.

A petition along with a copy of medical paper has been filed on behalf of the accused person namely (A-17) Shri Rakesh Jaiswal stating that this accused/petitioner is suffering from kidney disease and cardio-logical issues and he is undergoing treatment and as such he is unable to attend Court today and therefore Ld. Counsel prays for condoning his absence with a further prayer for an adjournment.

Heard both sides on the point of condoning absence of the accused person namely (A-17) Shri Rakesh Jaiswal.

Prayer for condoning absence of the accused person namely (A-17) Shri Rakesh Jaiswal is considered and allowed with a direction upon this accused person to remain present before this Court on the next date fixed.

Now, the petition dated 18.11.2024 filed by the accused person no. 2 Manoj Kumar Jain u/s 205 Cr.P.C., the petition dated 18.11.2024 filed on behalf of the accused/company no.1) M/s Prakash Vanijya Pvt. Ltd u/s 305 Cr.P.C. and the two petitions dated 09.12.2024 filed on behalf of the accused/company nos.(A-12) M/s M.M.P. Exim Pvt. Ltd. and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. u/s 305 of Cr. P.C. are taken up for hearing.

At this juncture, a petition has been filed on behalf of the accused persons no.2) namely Manoj Kumar Jain, accused/company no.1) M/s Prakash Vanijya Pvt. Ltd, accused/company nos.(A-12) M/s M.M.P. Exim Pvt. Ltd. and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. stating that one matter in connection with this case is pending before the Hon'ble High Court at Calcutta and the said matter is fixed for hearing on 31.01.2025 before the Hon'ble Court and therefore an adjournment has been prayed for.

Heard both sides on the point of adjournment of the petitions filed u/s 205 Cr. P.C. and

u/s 305 Cr. P.C.

Prayer for an adjournment of the four petitions filed u/s 205 Cr. P.C. and u/s 305 Cr. P.C. is considered and allowed.

A petition has been filed on behalf of accused no. 3 M/s Louis Dryfus Company India Pvt. Ltd stating that the accused/petitioner has preferred a revisional application 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.3.

Ld. Counsel for the accused no. 3 further stated that on 06.12.2024 the said revisional application was heard at length before the Hon'ble High Court at Calcutta and the next date was fixed on 10.01.2025 for further hearing and the Ld. Counsel for the Enforcement Directorate had assured the Hon'ble Court that the Prosecution would not oppose the prayer for an adjournment in the event an adjournment prayer is made by the accused no.3 before this Court and as the Hon'ble Court is in seisin of the matter and hearing is going on before the Hon'ble Court an adjournment has been prayed for today.

Ld. Counsel for the accused person no. 3 further contended that on 10.01.2025 the said matter was not taken up by the Hon'ble Court as the business of the Hon'ble Court did not permit and the Ld. Senior Counsel mentioned the matter before the Hon'ble Court on 17.01.2025 and the said matter has been fixed for hearing on 31.01.2025 before the Hon'ble Court and therefore the Ld. Counsel prays for an adjournment.

Having heard the submissions of all sides and also on consideration of the fact that the next date has been fixed for hearing on 31.01.2025 before the Hon'ble Court, the prayer for an adjournment is allowed for the ends of justice with a direction upon the Ld. Counsel for the accused person no. 3 to furnish updated order of the Hon'ble Court.

On submissions of all sides, fix **03.03.2025** for hearing of the petition dated 18.11.2024 filed by the accused person no. 2 Manoj Kumar Jain u/s 205 Cr. P.C.

To-date i.e. on **03.03.2025** for hearing of the petition dated 18.11.2024 filed on behalf of the accused/company no.1) M/s Prakash Vanijya Pvt. Ltd u/s 305 Cr. P.C.

To-date i.e. on **03.03.2025** for hearing of the two petitions dated 09.12.2024 filed on behalf of the accused/company no.(A-12) M/s M.M.P. Exim Pvt. Ltd. and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd. u/s 305 of Cr. P.C.

To-date i.e. on **03.03.2025** for appearance of all the accused persons and consideration of charge.

To-date i.e. on **03.03.2025** for bringing updated order of the Hon'ble Court, if any.

All the accused persons are directed to remain present before this Court on the next date fixed i.e. on **03.03.2025** 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

