

M.L. CASE NO 07 OF 2018
CNR-WBCS01-000592-2018
Present: Sri Sukumar Ray
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB00590.

Order no.70 dated 22.04.2025

Today 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.

Today 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.

Today 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.

The accused persons namely (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi and (A-16) Shri Pankaj Shah who are on court bail are present in Court in person by filing hazira.

One non production report is received from the Superintendent of Presidency Correctional Home vide memo no. 4820/AB dated 22.04.2025.

However, the accused person namely (A-09) Sanjay Sureka who is on Court bail in this case is produced before this Court on virtual mode.

Let this report be kept with the record.

The accused persons namely 2) Manoj Kumar Jain, , (A-15) Shri Naresh Sharma, and (A-17) Shri Rakesh Jaiswal are found absent on calls.

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.

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. 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 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 found present on calls.

None turns up on behalf of the accused person namely 17) Shri Rakesh Jaiswal.

No compliance report is received from Chief Judicial Magistrate, Calcutta regarding direction upon the Sureties namely Anwar Chowdhury and Partha Denre who stood as sureties for the accused person namely Rakesh Jaiswal to take necessary steps to ensure production of the accused person namely Rakesh Jaiswal.

No step is taken on behalf of the accused person namely 17) Shri Rakesh Jaiswal as yet. No accommodation is sought for.

It is now 12.30 p.m.

In view of such circumstances, this Court has no other alternative left but to issue warrant of arrest against accused namely 17) Shri Rakesh Jaiswal and starts proceedings against the Sureties namely Anwar

Chowdhury and Partha Denre u/s 446 of the Cr.P.C at once. So, issue W.A against the accused person 17) Shri Rakesh Jaiswal.

Office is directed to do the needful.

Ld. Chief Judicial Magistrate, Calcutta is directed to start proceedings against the Sureties namely Anwar Chowdhury and Partha Denre u/s 446 of the Cr.P. and submit a compliance in this regard before this Court.

Now 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 is taken up for hearing.

Ld. Advocate for the Enforcement Directorate raised no objection.

Heard both sides.

The accused/company no 1) M/s Prakash Vanijya Pvt. Ltd is a company incorporated under the companies Act. The accused/company no. 1) M/s Prakash Vanijya Pvt. Ltd being private limited company permitted to represent through Ld. Advocate Ms. Richa Sharma.

Perused the extracts of the minutes of the management committee of the directors of the company held on 4th day of November, 2024.

Considered. The prayer is allowed for ends of justice.

Accordingly accused/company no. 1) M/s Prakash Vanijya Pvt. Ltd is permitted to represent through Ld. Advocate Ms. Richa Sharma.

In view of above the petition u/s 305 of the Cr.P.C is disposed of.

Now 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. is taken up for hearing.

Ld. Advocate for the Enforcement Directorate raised no objection.

Heard both sides.

The accused/company no 12) M/s M.M.P. Exim Pvt. Ltd. and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd are the companies incorporated under the Companies Act. The accused/company no 12) M/s M.M.P. Exim Pvt. Ltd. and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd being private limited companies permitted to represent through Mr. Krishna Kumar Todi (Director of the said company) and through Ld. Advocate Ms. Dishani Kanjilal respectively.

Perused the extracts of the minutes of the management committee of the Board of Directors of the company held on 4th day of November, 2024.

Considered. The prayer is allowed for ends of justice.

Accordingly accused/company no 12) M/s M.M.P. Exim Pvt. Ltd. is permitted to represent through Mr. Krishna Kumar Todi (Director of the said company and the accused/company no.(A-14) M/s Tirupati Fuels Pvt. Ltd is permitted to represent through Ld. Advocate Ms. Dishani Kanjilal.

In view of above the petitions dated 09.12.2024 u/s 305 of the Cr.P.C are disposed of.

The petition dated 18.11.2024 filed on behalf of the accused person no. 2 Manoj Kumar Jain u/s 205 of the Cr.P.C is taken up for hearing.

Ld. Advocate for the accused **no. 2 Manoj Kumar Jain** submits that this accused/petitioner is a senior citizen and businessman it is hardship for him to appear before this court on each and every dates of hearing of this case.

Ld. Advocate for the accused 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 for the accused/petitioner prays for passing order to dispense with the personal appearance of the accused/petitioner and allow the Ld. Advocate **Mr. Arka Ghosh** to represent the accused/petitioner u/s 205 of the Cr.P.C.

Ld. Advocate on behalf of the complainant/ED left the matter upon the discretion of this court.

After hearing both sides and perusing the materials on record wherefrom it reveals 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 this accused in court is at present not required.

Accordingly, the prayer u/s 205 of the Cr.P.C filed by accused/petitioner no. **2 Manoj Kumar Jain** is hereby **allowed**

Accused person no. 2 Manoj Kumar Jain is permitted to represent through his Ld. Advocate Mr. Arka Ghosh.

However, the accused/petitioner **no. 2 Manoj Kumar Jain** is directed to appear before this court as and when called for.

At this stage, Ld. Advocate for the accused no 16 Pankaj Shah files a petition after serving the copy to the Ld. Advocate of Enforcement Directorate and prays for passing an order to inspect the relied and non relied upon documents as per list so supplied to him.

Ld. Advocate for the Enforcement Directorate raised no objection.

Heard. The prayer of the accused person is allowed with a direction to the Ld. Advocate for the Enforcement Directorate to produce the original relied and non relied upon documents before the Ld. Advocate of the accused person in the meantime.

Ld. Advocate for the accused person no. 3 Louis Dryfus company files a petition alongwith a server copy of the order dated 26.02.2025 passed in CRR 1145 of 2024 praying for adjourning the further proceedings of this case.

Copy served.

Ld. Advocate for the Enforcement Directorate raised no objection.

Herd. The prayer for adjournment is hereby allowed.

Fixing **19.06.2025** for E/R of warrant of arrest in respect of accused Rakesh Jaiswal and appearance of rest of the accused persons.

Todate i.e. on 19.06.2025 for production of the accused person Sanjay Sureka (who is on Court bail in this case) through physical mode or virtual mode.

Todate i.e. on 19.06.2025 for compliance report from the Chief Judicial Magistrate, Calcutta regarding 446 of the Cr.P.C against the sureties.

To-date i.e. on 19.06.2025 for bringing updated order of the Hon'ble Court, if any.

Let a copy of this order be sent to the Ld. Chief Judicial Magistrate, Calcutta for information and necessary action.

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

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