

M.L. CASE NO 07 OF 2018

CNR-WBCS01-000592-2018

**Present: Sri Siddhartha Kanjilal
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01057**

Order no 35 dated 11.11.2022

To-day is fixed for taking proper steps on behalf of the accused nos.01 to 03, S/R and appearance in respect of the accused nos.04 to 17, appearance of accused/petitioners namely **(A-09) Shri Sanjay Sureka, (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi and (A-15) Shri Naresh Sharma, (A-16) Shri Pankaj Shah and (A-17) Shri Rakesh Jaiswal.**

Ld. Advocate for the Complainant/Enforcement Directorate is present and files hazira.

Mr. Subhas Dubey who is representing the accused company no.**01) M/s Prakash Vanijya Pvt. Ltd.** and Mr. Joy Prakash Singh who is representing the accused company no.**03) M/s Louis Dryfus Company India Pvt. Ltd.** u/s 305 of the Cr. P.C. are present in Court and have filed hazira.

Mr. Jayashree Roy who is representing the accused no.**(A-02) namely Manno Kumar Jain** and Mr. Suvoranjana Mukherjee who is representing **(A-17) Shri Rakesh Jaiswal** are present in Court and file hazira.

Accused/petitioners 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** are on court bail and are present in Court by filing hazira along with ld. Advocate.

One petition has been filed on behalf of the accused/petitioners **(A-10) M/s Saraf Impex Pvt. Limited, (A-12) M/s MMP Exim Pvt. Limited and (A-14) M/s Tirupati Fuels Pvt. Limited** praying for passing order to grant time to take steps and file board resolution on the next date fixed on the ground stated therein.

Heard both sides.

Prayer is considered and allowed with a direction to take proper steps on the next date fixed i.e. necessary order.

One petition along with copy of served summons in respect of the accused/petitioners **(A-4) M/s Concast Exim Limited, (A-5) 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 and (A-10) M/s Saraf Impex Pvt. Limited (Accused no.-10)** had been filed on behalf of the complainant/ED stating that all the companies mentioned above have gone into liquidation and resolution professional

Continued.....

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(RP) has been appointed and prayed for passing order to issue fresh summons in respect of accused/company nos.(A-04) to (A-08) to the address of RP i.e. **Mr. Kshitiz Chhawchharia of Chhawchharia & Co. Of 8A & 8B, Satyam Tower, 3, Alipore Road, Kolkata-700027**, Mob:9830492324 and in respect of the accused/company no.(A-10) to the address of RP i.e. Shri Sanjit Nayak, 30E, Hara Mohan Ghosh lane, Flat-2B, Suryadeep, Beliaghata, Kolkata-700085 on the ground stated therein.

Heard Ld. Advocate for the complainant.

Prayer is considered and allowed.

In view of the above, issue fresh summons in respect of the accused/company nos.(A-04) to (A-08) and (A-10) at the above mentioned address.

Complainant is directed to put requisites at once.

Five petitions u/s 205 of Cr. P.C. have been filed on behalf of the accused/petitioners namely **(A-09) Shri Sanjay Sureka, (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi and (A-15) Shri Naresh Sharma and (A-16) Shri Pankaj Shah.**

Copy served.

The petitions u/s 205 of Cr. P.C. on behalf of the accused/petitioners namely **(A-09) Shri Sanjay Sureka, (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi and (A-15) Shri Naresh Sharma, (A-16) Shri Pankaj Shah** are taken up for hearing.

Ld. Lawyer for the accused/petitioners namely **(A-09) Shri Sanjay Sureka, (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi and (A-15) Shri Naresh Sharma, (A-16) Shri Pankaj Shah** submit that the accused/petitioners are aged persons and they are on Court bail and the accused/petitioners are not in a position to attend this Court on each and every date since they are businessmen.

Ld. Advocate on behalf of the accused/petitioners further submits that the accused/petitioners have permanent residence and the case is based on papers and documents and the question of identification of the accused petitioners is not required and the accused/petitioners undertake not to challenge on the point of identification at any point of time in this case.

Ld. Advocate prays for passing order to dispense with the personal appearance of the accused/petitioners and allow the Ld. Advocate, Mr. Suvoranjan Mukherjee to represent the accused/petitioners u/s 205 of Cr. P.C.

Ld. Advocate on behalf of the complainant/ED though opposed the prayer u/s 205 Cr. P.C., but left the matter on the discretion of the Court.

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After hearing of both sides and perusing the materials on record it transpires that the case is based on documents and also most of the above mentioned accused persons have been suffering from various ailments and the accused/petitioners have undertaken not to challenge on the point of identification at any point of time in this instant case and day to day appearance of the accused in Court is at present not required.

Hence, the prayer u/s 205 of Cr. P.C. stands allowed.

However, the accused/petitioners namely **(A-09) Shri Sanjay Sureka, (A-11) Shri Pravin Saraf, (A-13) Shri Krishna Kumar Todi and (A-15) Shri Naresh Sharma, (A-16) Shri Pankaj Shah** are directed to appear before this Court as and when called for.

One petition has been filed on behalf of the accused **(A-03)** praying for passing order direction the complainant/ED to supply fresh copies of the additional documents and complain documents relied upon by the complainant on the ground stated therein.

Heard both sides.

Prayer is considered and allowed.

The complainant/ED is directed to supply fresh copies of the additional documents and complain documents relied upon by the complainant to the accused **(A-03)** in the meantime, if any.

To **20.01.2023** for S/R and appearance.

To **20.01.2023** for taking proper steps on behalf of the accused nos.(A-01) to (A-03), (A-9) to (A-17).

Let a copy of this order be sent to the complainant/E.D. through Ld. Special P.P. for information and necessary compliance.

D/C by me.

Chief Judge
City Sessions Court.
Calcutta.

Chief Judge
City Sessions Court.
Calcutta