

ML Case no. 12 of 2024
CNR-WBCS01-001058-2024
Present: Sri Sudipta Kumar De
J.O. CODE NO.WB01136
Chief Judge,
City Sessions Court, Calcutta

Order no. 87 dated 25.06.2026

Today is fixed for appearance of accused/proposed accused persons, hearing on the point of cognizance, hearing of the petition u/s 346 of the BNSS, 2023, filed by accused Anil Kr. Jain, hearing of the petition dated 18.09.2025 filed by proposed accused person nos. 2, 8, 11 & 17, hearing of the petition dated 16.12.2025 filed by accused Suresh Kr. Dhandhanian, hearing of petition dated 31.01.2026 filed by accused Anant Kr. Agarwal.

Accused person no. 1 Sanjay Kr. Surekha is produced from the J/C in virtual mode as he is remanded back to J/C in compliance with the order no. 86 dated 19.06.2026.

Accused person no. 13, namely, Anant Kr. Agarwal is also produced from J/C in virtual mode.

Accused person nos. 1 & 13 are remanded to J/C till 30.06.2026.

Accused/proposed accused nos. 2, 3, 4, 8, 10, 11, 15 & 16 are present through their Ld. Advocates.

Accused nos. 5, 6, 7, 9 are present by filing hazira.

Accused nos. 12 and proposed accused nos. 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 34 are absent by filing petitions.

No steps have been taken on behalf of proposed accused person nos. 31, 32 & 33.

Ld. Special Public Prosecutor representing the Public Prosecutor is present.

Ld. Advocates for accused and proposed accused persons are present.

Ld. Advocate for accused person no. 1, namely, Sanjay Kr. Sureka filed a petition praying for production of accused physically before this Court on the next date fixed.

Heard. Perused. Considered.

It has been submitted by the Ld. Advocate for accused Sanjay Kr. Sureka himself that the accused suffers from several ailments. However, no cogent grounds have been cited in the application seeking his physical production. For that reason, the prayer cannot be entertained and is accordingly rejected.

Ld. Advocate for accused Suresh Kr. Dhandhanian submitted that despite a specific direction, vide order No. 59 dated 19.01.2026, upon the prosecution to furnish the list of documents not relied upon, the Enforcement Directorate has failed to comply with that direction and the prosecution/ED has not provided the complete set of relied upon documents and the list of non-relied upon documents and in absence of these, they are unable to take instructions or proceed further in the matter which prejudices the right of defence to a fair trial and impedes meaningful preparation for the next stage of proceedings.

He would further submit that some of relied upon documents supplied are legible and he prays for supply of fresh legible copies.

In support of his contentions, he placed his reliance upon the judgment passed in ***Sarla Gupta & Anr. Vs. Directorate of Enforcement***, reported in (2025) 7 SCC 626 and ***Tarun Tyagi Vs. CBI***, reported in (2017) 4 SCC 490.

On the contrary, Ld. Special Public Prosecutor categorically submitted that they have already furnished all documents on which they intend to rely, and that those documents, over which they have exclusive control, were made available to the accused's Counsel by providing Google Drive link sent to the Ld. Counsel's email ID on 30.01.2026 and furthermore, all the original relied upon documents are kept with the record. He further contended that there was no direction requiring them to provide a list of non-relied upon documents to the accused. It is submitted that the impugned order itself acknowledges that, at the stage of framing charges, only a copy of the list of documents not relied upon need be supplied to the accused and accordingly, any direction to supply that list to the accused is self-contradictory.

In support of his contention, he placed reliance upon the judgment passed in ***Kaberi Dey and Ors. Vs. Sourav Bhattacharjee***, reported in (2025) SCC OnLine Cal 5928 and ***Basugonda R. Patil Vs. Shivananda S. Patil***, reported in (2024) SCC OnLine Kar 96.

Heard the Ld. Counsel appearing for accused and the Ld. Special Public Prosecutor at length.
Perused the case record.

It is apparent from Order No. 59 dated 19.01.2026 that paragraph 22 and paragraph 24 are different from each other. Paragraph 22 specifies that, at the stage of framing of charges, only a copy of the list of documents not relied upon is to be supplied to the accused. Paragraph 24, however, directs the Enforcement Directorate/prosecution to supply the list of documents not relied upon to the accused. The two paragraphs, therefore, convey different obligations and are inconsistent with each other. Therefore, a clarification on that aspect is needed.

On perusal of the order no. 59 dated 19.01.2026, it transpires that the Ld. Judge (Predecessor in Officer of the Presiding Officer) relied upon the judgment of the Hon'ble Apex Court in *Sarla Gupta & Anr. Vs. Directorate of Enforcement*, reported in (2025) 7 SCC 626 and paragraph nos. 21, 22 & 23 of the said order is nothing but a part of the above judgment.

In the interest of justice, the relevant paragraphs of the above-referred judgment is reproduced below -

“Hence, some of our important conclusions are as under:

(a) When records, instruments or documents of title of the property are seized along with the property under Sections 17 and 18 of the PMLA, the accused from whom the same are seized is entitled to true copies thereof; (b) Once cognizance is taken on the basis of a complaint under Section 44(1)(b) of the PMLA, the learned Special Judge must direct that along with the process, a copy of the complaint and the following documents be provided to the accused;

(i) Statements recorded by the learned Special Judge of the complainant and the witnesses, if any, before taking cognizance; (ii) The documents including the copies of the Statements under Section 50 of the PMLA produced before the Special Court, along with the complaint, and the documents produced subsequently by the ED till the date of taking cognizance; and (iii) Copies of the supplementary complaints and the documents, if any, produced with supplementary complaints.

(c) We hold that a copy of the list of statements, documents, material objects and exhibits that are not relied upon by the investigating officer must also be furnished to the accused.

As held by this Court, the object is to ensure that the accused has knowledge of the documents, objects, etc. in the custody of the investigating officer which are not relied upon so that at the appropriate stage, the accused can apply by invoking the provisions of Section 91 of the CrPC (Section 94 of the BNSS) for providing copies of the documents which are not relied upon by the prosecution.

At the time of hearing for framing of charge, reliance can be placed only on the documents forming part of the chargesheet. In case of the PMLA, at the time of framing charge, reliance can be placed only on those documents which are produced along with the complaint or supplementary complaints. Though the accused will be entitled to a list of documents, objects, exhibits etc. that are not relied upon by the ED at the stage of framing of charge, in ordinary course, the accused is not entitled to seek copies of the said documents at the stage of framing of charge.”

Therefore, the statement of supply of list of non-relied upon documents at the stage of hearing on the point of cognizance cannot be arisen and such direction is absolutely opposed to the direction of the Hon’ble Apex Court.

Hence, the order no. 59 dated 19.01.2026 is clarified to the extent that prosecution/Enforcement Directorate would supply the list of non-relied upon documents to the proposed accused persons not at the stage of hearing on the point of cognizance but at the stage of framing of charges, of course if such situation arises at all and this Court takes decision of taking cognizance of the offence.

So far as the availability of the better soft copies of the documents supplied to the proposed accused person, since it is submitted by the prosecution that they have already supplied the same in respect of the relied upon documents, and they have no better copies in their possession and the original is deposited with the Court, the Court is of the view that the proposed accused person may inspect such documents from the Court record.

Accordingly, the case is adjourned for today.

To **18.08.2026** for appearance of accused & proposed accused persons, inspection of documents, hearing on the point of cognizance, hearing of the petition u/s 346 of the BNSS, 2023, filed by accused Anil Kr. Jain, hearing of the petition dated 18.09.2025 filed by proposed accused person nos. 2, 8, 11 & 17, hearing of the petition dated 16.12.2025 filed by accused Suresh Kr. Dhandhanian and hearing of petition dated 31.01.2026 filed by accused Anant Kr. Agarwal.

Todate, i.e., **30.06.2026** for production of accused persons, submission of report by the Superintendent of Presidency Correctional Home in respect of the prayer made by accused Anant Kr. Agarwal and hearing of the petition dated 16.06.2026 filed by accused Anant Kr. Agarwal.

Let a copy of this order be forwarded to the Investigating Officer through the Ld. Special Public Prosecutor.

Dictated & corrected by me,

Sd/-
Chief Judge
City Sessions Court, Calcutta.

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City Sessions Court, Calcutta.