

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. 88 dated 30.06.2026

Today is fixed 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.

Accused person no. 1 Sanjay Kr. Surekha is produced from the J/C in virtual mode.

One non-production report along with an order passed by the Hon'ble High Court, Calcutta in connection with CRM (R)-55/2026 regarding accused Anant Kr. Agarwal is received from the Superintendent, Presidency Correctional Home wherein it is stated that accused is produced before the Medical Board, Woodburn Lounge, SSKM Hospital, Kolkata in compliance with the order of the Hon'ble Court.

Report has been submitted by the Superintendent, Presidency Correctional Home in compliance with the order no. 86 dated 23.06.2026. Perused the same and let it be kept with the record.

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

Ld. Advocates for accused persons are present.

Now, the record is taken up for hearing of the petition dated 16.06.2026 filed by accused Anant Kr. Agarwal.

Ld. Advocate for accused Anant Kr. Agarwal submitted that he is suffering from Irritable Bowel Syndrome and some ailments relating to urinary functions and now, he is in judicial custody lodged at Presidency Correctional Home at a dormitory therein thereby facing huge problem in day to day life to access the bathroom there. It is submitted further that in the current circumstances, he prayed for passing order to direct the Correctional Home Authority to provide the accused/petitioner with suitable separate accommodation or such medically appropriate accommodation having access to a separate washroom/western toilet facility; to direct the Correctional Home Authority to provide the accused/petitioner with a proper cot/bed necessary for management of his ailments; to permit the accused/petitioner to receive and consume home-cooked food, subject to such safeguards and conditions as imposed by the Correctional Home; and to direct the Superintendent of Correctional Home and/or the Medical Officer to periodically monitor the accused/petitioner's conditions.

Ld. Special Public Prosecutor raises strong objection stating that similar prayer has been preferred by the accused before the Hon'ble High Court, Calcutta and the same is still pending.

Heard. Perused the case record. Considered.

It appears that accused Anant Kr. Agarwal has preferred an application being no. CRM (R) 55 of 2026 regarding his health condition and the Hon'ble Court has been pleased to constitute a Board of Doctors of IPGMER & SSKM, Kolkata to assess his health condition.

Considering the facts and circumstances, this Court is of the view that further proceeding with the prayer made by accused Anant Kr. Agarwal dated 16.06.2026 is not justified.

Accordingly, the same stands adjourned for today.

At this stage, Ld. Advocate for accused Sanjay Kr. Sureka filed one application submitting that the accused suffers from longstanding gastrointestinal and orthopedic ailments; he was admitted to Belle Vue Clinic, Kolkata, on the orders of this Court and was discharged on 24.06.2026; however, his ailments have not been fully resolved, and the hospital's discharge summary records the details of his medical condition. It is further submitted that the accused has lost approximately 12 kg in body weight due to these illnesses and is currently taking 22 different medications daily. In these circumstances, Ld. Counsel prayed that the accused be permitted, at his own expense, to receive home-cooked food at Presidency Correctional Home under the WBCS Act, 1992, and also to be allowed hot and cold compresses for his back to assist in the management of his gastrointestinal and orthopedic conditions.

He would place his reliance upon the judgment passed in **V. Venkataswara Reddy Vs. State of West Bengal**, reported in **(2012) 3 CLJ (Cal) 524**, to state that the jail may provide food keeping in mind the health condition of a prisoner and that a weak or sick prisoner may require a healthier diet.

Ld. Special Public Prosecutor raised objection and submitted that no treating physician advised the accused to receive home-cooked food or to apply hot and cold compresses as part of his medical management; the accused underwent a comprehensive medical evaluation and received all necessary treatments and the hospital records and treating doctors do not indicate any clinical necessity for the reliefs now sought and as such, there is no justifiable basis to grant the accused's prayer.

Heard both sides at length.

Perused the entire case record.

Considering the submissions advanced by both the sides, present health condition of accused and having regard to the provision laid down in the West Bengal Correctional Services Act, 1992, this Court is of the view to direct the Superintendent, Presidency Correctional Home to act accordingly as per the Jail Code in this regard.

To **14.07.2026** for production of accused person nos. 1 & 13 and hearing of the petition dated 16.06.2026 filed by accused Anant Kr. Agarwal.

To date, i.e., **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.

Let a copy of this order be forwarded to the Superintendent, Presidency Correctional Home.

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

Dictated & corrected by me,

Chief Judge
City Sessions Court, Calcutta.

Chief Judge
City Sessions Court, Calcutta.