

GR- 1063 of 2022

T.R - 214 of 2022

J.O Code No. WB00974

CIS Reg. No. GRS 1063 Y2022

CNR : WBCS02-135985-2022

PS Case ref. Hare Street P.S., Case No.260, dated 13-09-2022

Order

22-02-2023

The Case record is fixed for production of the accused persons no.(1) Jayanta Polley , accused no.(2) Goutam Banerjee , accused no.(3) Saurabjh Agarwak , (4) Mahesh Fogla , (5) Santosh Rajak from the Judicial Custody and for appearance of the accused person no. (6) Monideepa Banerjee , on A.I. Court bail, and for further Prosecution Evidence.
Served summons upon CSW (5) returned back with a Police Report.

A petition has been filed today by the Ld. Advocate appearing for the accused Monideepa Banerjee , praying confirmation of her A.I. Bail.

Served Summons upon the CSW(4)/ PW(5) , Tanaya Adhikary(on recall) and CSW (6),Amit Roy received back with Police Reports.

Present :- Ld. A.P.P. for the State.

Accused persons no.(1) Jayanta Polley , accused no. (2) Goutam Banerjee , accused no.(3) Saurabjh Agarwak , (4) Mahesh Fogla , (5) Santosh Rajak are produced from the judicial Custody.

Accused person no. (6) Monideepa Banerjee , on A.I. Court bail .

Ld. Counsels for all accused persons are present.

CSW (6),Amit Roy with served copy of summon.

CSW(4)/ PW(5) , Tanaya Adhikary , **on recall**.

CSW(4)/ PW(5) , Tanaya Adhikary at first is put on witness box and on oath she is further cross-examined, *on recall*, by Ld. Defence Counsel appearing for accused persons Jayanta Polley and then she is discharged.

The further deposition of the CSW(4)/ PW(5) , Tanaya Adhikary, reduced in writing and typed in a separate sheet is kept in case record.

CSW(6) , Amit Roy is then put on witness box as PW (5)and on oath he is at first examined in chief in full and his cross-examination being declined by Ld. Defence Counsels appearing for all accused persons,he is discharged as witness.

The further deposition of the PW (5)/CSW (6), Amit Roy, reduced in writing and typed in a separate sheet is kept in case record.

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Order

22-02-2023(Contd.)

Considered a prayer of the I.O. praying for extention of the time for execution of the WA against Devki Nandan Baberwal.

Allowed the time prayer.

To date for ER of WA against Devki Nandan Baberwal.

Considered the prayer of the accused Monideepa Banerjee , praying confirmation of her A.I. Bail. Let the A.I. Bail of the accused Monideepa Banerjee , be extended till the next date of the case proceeding.

Accused persons no.(1) Jayanta Polley , accused no.(2) Goutam Banerjee , accused no.(3) Saurabh Agarwak , (4) Mahesh Fogla , (5) Santosh Rajak are further remanded to the Judicial custody till 23-02-2023.

The case proceedings is adjourned today.

To date i.e. **23-02-2023** for production of the accused persons no.(1) Jayanta Polley , accused no.(2) Goutam Banerjee , accused no.(3) Saurabh Agarwal , (4) Mahesh Fogla , (5) Santosh Rajak from the Judicial Custody and for appearance of the accused person no. 6) Monideepa Banerjee , on A.I. Court bail and for further Prosecution Evidence.

Seen the Police Prayer dated 13-02-2023 regarding the necessary order to retain the copy of the original forwarding letter of the Joint Commissioner CGST & CX , Anti evasion, Kolkata South Commissionerate vide Memo No. F/V(12)290/AE/GrD/MF/CGST & CX/Kol-S-2018/18778 , dated 07-02-2023 along with copies of statements dated 4-12-2018 and 19-12-2018 recorded from Sri Fogla in compliance to the Notice u/s 91Cr.P.C. issued by the Investigating Agency , in the DD Malkhana / Case Diary.

The I.O. prayer is allowed.

Seen the Police Prayer dated 21-02-2023 regarding the necessary order to retain the articles/documents as described in the seizure list dated 20-02-2023 filed before this Court along with the Police prayer , in the DD Malkhana / Case Diary.

The I.O. prayer is allowed.

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Order
22-02-2023(Contd.)

Seen the Police Prayer dated 22-02-2023 regarding the necessary order to retain the report of the Expert of the Questioned Documents Examination Bureau, Bhabani Bhawan , Alipore , Kolkata in the in the DD Malkhana / Case Diary.

The I.O. prayer is allowed.

Seen two downloaded photocopies of the order sheets , passed by the Hon'ble Court , one in CRM (DB) 585 of 2023 and another in CRM(DB) 600 of 2023.

On Perusal of the order sheet, dated 13-02-2023 , passed by the Hon'ble Justice Ajay Kumar Gupta , J and Joymalya Bagchi , J., in the CRM(DB) 585 of 2023 on application for bail under Section 439 Cr.P.C , moved before the Hon'ble Court for the accused / petitioner, Mahesh Fogla and another, it appears that the Hon'ble Court has been pleased to reject the prayer for bail of the accused persons/ petitioners of the said Revisional Application .

The extract of the Order , passed by the Hon'ble Justice, is as follows "...

In View of the daring nature of offence committed by the petitioners and as dates have been fixed for recording evidence, we are not inclined to grant bail to the petitioners at this stage.

Accordingly, the prayer for bail is rejected."

On Perusal of the order sheet, dated 15-02-2023 , passed by the Hon'ble Justice Ajay Kumar Gupta , J and Joymalya Bagchi , J., in the CRM(DB) 600 of 2023 on application for bail under Section 439 Cr.P.C , moved before the Hon'ble Court for the accused / petitioner, Gutam Banerjee, it appears that the Hon'ble Court has been pleased to dismiss the application for bail of the accused person/ petitioner of the said Revisional Application .

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22-02-2023(Contd.)

The extract of the Order , passed by the Hon'ble Justice, is as follows "...

Learned Advocate for the petitioner submits his client does not wish to press this application."

Accordingly , the application is dismissed as not pressed .

Trial Court is requested to expedite the traila and conclude the same at an early date without granting any unnecessary adjournment to either of the parties."

Let these order sheets be kept in the Case Record.

To date.

D/C

Chief Metropolitan Magistrate
Calcutta

Chief Metropolitan Magistrate
Calcutta