

Misc. Criminal 06/2024

Order dt.28.06.24.

The record is put up today as the Ld. Advocate for the applicant files one application praying for passing further order in respect of his application.

Heard the application.

Perused the order dt. 05.06.24 whereby the Secretary, BDN Bar Association was requested to furnish names of some of the suitable willing Ld. Advocates from the local Bar as receiver U/O 40 of CrPC in the vein of the decision of Hon'ble Apex Court passed in Standard Chatered Bank vs Noble Kumar and Others.

It also appears that the Secretary, BDN Bar Association has suggested five names of Ld. Advocates. Amongst those names, I think Sri Subhasish Nandy, Ld. Advocate practicing in this Bar enumerated in Serial no.1 should be assigned to be the receiver at the time of conducting the process by the applicant.

Considering the facts and circumstances and the materials on record, I found that due notice was served and the application was preferred within time. Now so far as the power of the ACJM to entertain cases U/s.14 of the SARFAESI Act the Hon'ble Supreme Court in RD Jain & Co. Vs Capital First Ltd and others has held that the expression, the D.M and CMM in Sec.14 of the SARFAESI Act will include Additional District Magistrate and Additional Chief Metropolitan Magistrate. In **K.O.Anto & another Vs. State of Akerala and another**, Hon'ble High Court of Kerala was pleased to observe that the powers of the ACJM regarding Sec.14 of the SARFAESI Act is at per with that of the Ld. CJM.

In view of the above facts and circumstances and being satisfied, I think the application was duly made and this court is empowered to entertain the same as there is no legal impediment and therefore the prayer is allowed considering the exigency of the matter.

The petitioner, Kotak Mahindra Bank Ltd is hereby accorded the leave to exhaust the process U/s.14 of the SARFAESI Act in accordance with law and report before this authority by the next date. The I/C of BDN(N) PS is hereby directed to accord necessary force to ensure law and order during the process.

Let copy of this order be forwarded to the I/C of BDN(N) PS at once.

The schedule of the case property is given under:-

All that piece & parcel of land measuring 30973 cottahs (2230 sq ft) along with storied residential construction made thereon having a built up area measuring about 2627 sq ft more or less on the Plot No.220 in Block-AE, Sector-I, P.O.Salt Lake, PS-BDN(N), Kolkata-64 owned by Sudipa Roy is bounded as under-

North: Plot No. AE & type V road

South: Plot No. AE-247 & AE-248

East: Plot No. AE-219 & AE-249

West: Plot No. AE-221 & type V road

To 03/09/2024 for report.

Dictated by,

ACJM

ACJM.,Bidhannagar