

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CRR/32/2025

Shri M.S. Sanjay

Vs.

Central Bureau of Investigation

Mr. Mohammed Tabraiz ... for the appellant

Mr. T. Harish

(On behalf of Mr. Rakesh Pal Gobind) ... for the respondent

July 14, 2025
[AKB]
Item No.15

Inspite of the order passed by this Court dated 11.07.2024, the Investigation Officer did not present before this Court along with Case Diary.

The Registry of this Court is immediately directed to ascertain whether the Investigation Officer is available at Port Blair, if the Investigating Officer is available at Port Blair then he is directed to appear before this Court at 1:00 PM.

Registrar is directed to communicate the order immediately to the Central Bureau of Investigation, Port Blair.

(Krishna Rao, J.)

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Later :

In terms of the earlier order the Investigating Officer is present with the Case Dairy.

The petitioner has filed present application under Section 528 of BNSS 2023 praying for quashing of the proceeding initiated by the CBI being RC1212025A001 dated 07.04.2025.

Learned counsel for the petitioner submits that the CBI has registered the case on the basis of the complaint dated 30.03.2025 received from the Inspector CBI, ACB, Port Blair being the Enquiry Officer of the Preliminary Inquiry.

Mr. Mohammed Tabraiz, learned advocate appearing for the petitioner submits that the FIR initiated by the CBI is purely civil dispute regarding the payment of rent of the concern premises of the Port Blair Municipal Council.

Mr. Mohammed Tabraiz submits that by an order No. 1799 dated 01.04.2025 a open space of the second floor of

the newly constructed MG Markert Block 6 at Mohanpura is allotted to the petitioner in a monthly rent of Rs. 1,03,000/-.

In the said order it is mentioned that the monthly rent starts from 01.09.2021. Subsequently, by a resolution dated 17.08.2023 the Municipal Council has taken a decision to collect the rent from the tenants of MG Market Block 6, Mohanpura from the dates of its commercial operation i.e. from 01.01.2023. He submits that the resolution is to be implemented by Secretary, Municipal Council. He submits that if the complaint, the order of allotment and resolution dated 07.08.2023 is taken for consideration together no case is made out against the petitioner.

Learned counsel appearing for CBI is out of station and the learned proxy counsel along with Investigating Officer is present. The Investigating Officer has submits that the investigation is still going on and he requires about three to four months to complete the investigation as the case is based upon documents.

Considering the submission made by the petitioner and the Investigation Officer, this Court finds that it would not be proper at this stage for staying the investigation. The case is based upon documentary evidence and the petitioner is not the employee of Municipal Council and there is no chance of hampering and tampering with the evidence.

Accordingly the Investigating Officer shall not take any coercive action against the petitioner until further order.

List the matter before the next available circuit bench after three months.

(Krishna Rao, J.)