

25.07.2022
Court No.42
Item No.1
Suman

CRR 2665 of 2022
With
CRAN 1 of 2022

Enforcement Directorate
Vs.
Partha Chatterjee

Mr. Suvyaprakash V. Raju, Ld. ASG
Mr. Phiroze Edulji, Advocate
Ms. Anamika Pandey, Advocate
Ms. Amrita Pandey, Advocate
Mr. Ghanshyam Pandey, Advocate
Ms. Sneha Singh, Advocate

.....For the petitioner

Mr. Debashish Roy, Sr. Advocate.
Mr. Ayan Bhattacharjee, Advocate
Mr. Soumen Mohanty, Advocate
Mr. Ayan Poddar, Advocate
Mr. Piyush Kumar Ray, Advocate.
Mr. Agnish Basu, Advocate.

.....For the Opposite Party

Leave is granted to the learned Advocate for the opposite party to move the instant application as unlisted matter.

The instant application is filed praying for appropriate order/orders in connection with CRR 2665 of 2022 which has already been disposed of by this Court on 24th July, 2022.

It is submitted by Mr. Debashish Roy, learned Advocate for the opposite party that this Court in its judgment/order dated 24th July, 2022 at page 2 stated that the opposite party is an FIR named accused in Case No.RC0102022A0002 dated 5th April, 2022. However, the opposite party is not an FIR named accused in the above mentioned case. In support of his contention, he refers to a copy of the First Information Report of the above mentioned case.

I have perused the copy of the FIR filed by the CBI resulting in institution of RC0102022A0002 dated 5th April, 2022.

Mr. Suvyaprakash V. Raju, learned Additional Solicitor General admits that the opposite party is not an FIR named accused in the said case.

Therefore, it is recorded that the opposite party is not an FIR named accused in the above numbered case instituted by the CBI, Anti-Corruption Branch, Kolkata.

Mr. Roy, learned Advocate for the opposite party next draws my attention to the second paragraph of page 8 of the said judgment dated 24th July, 2022 where this Court recorded on perusal of the case diary that the learned Advocate for the opposite party

was present during raid conducted by the E.D. in the house of the accused and he talked to the accused.

According to Mr. Roy the said observation was wrongly recorded and the observation may be expunged.

It is made clear that this Court recorded the above stated observation on perusal of the case diary. Therefore, this Court does not find any reason to allow the prayer made on behalf of the opposite party in this regard.

It is further submitted by Mr. Roy that this Court made the following observation in the last paragraph of page 9 of the judgment dated 24th July, 2022. The relevant paragraph runs thus:-

"Under such background and considering the fact that the accused is the senior most Cabinet Minister in the State of West Bengal having immense power and position, it would not be impossible for the accused with the aide of other political executives to take shelter under the garb of serious illness and medical treatment to evade interrogation. If this happens, the Lady Justice will be cursed by the tears of hundreds and thousands of deserving candidates whose future was sacrificed in lieu of money."

According to Mr. Roy if this observation is allowed to be retained, this will hamper adversely the fate of the application for bail of the accused.

This Court is not in a position to entertain the prayer made on behalf of the opposite party in this

regard in view of the specific provision under Section 362 of the Code of Criminal Procedure.

This Court made the above observation in the judgment/order dated 24th July, 2022 taking into consideration all the facts and circumstances of the case. Therefore, there is no reason to modify or change the above observation made by this Court.

With the following order the application filed on behalf of the opposite party is disposed of.

Before I part with, I like to record that in paragraph 7 of the instant application the applicant/opposite party averred that the Court did not give any opportunity to the opposite party to file affidavit-in-opposition. It is specifically recorded that no such prayer was made on behalf of the opposite party at the time of hearing of the revisional application on 24th July, 2022. The learned Advocate for the opposite party took part in the hearing of the revisional application and all his submission was recorded in the judgment/order dated 24th July, 2022. Thus, it is recorded that the averment made in paragraph 7 of the instant application filed by the applicant/opposite party is blatantly false.

(Bibek Chaudhuri, J.)