

12.09.2022
KC(8)

WPA 20866 of 2022
Subodh Adhikary
-versus-
Central Bureau of Investigation and Ors.

Mr. Kalyan Kumar Bandyopadhyay, Sr. Adv.,
Mr. Somopriyo Chowdhury,
Mr. Dipayan Das.....For the petitioner.

Mr. Billwadal Bhattacharya, Ld. Assist. Sol. Gen.,
Mr. Arun Kumar Maity,
Mr. Indrajeet Dasgupta.....For the C.B.I.

A ponzi scam is being investigated by the Central
Bureau of Investigation.

As of now the petitioner is not an accused.
However, the above bureau carried out a search in his
premises on 4th September, 2022. It is in the process of
investigating the case. Notices have been issued to him
under Sections 91 and 160 of the Criminal Procedure
Code, inter alia, to appear before the investigating
officer with the documents mentioned therein.

Mr. Kalyan Kumar Bandyopadhyay, learned
senior advocate appearing for the petitioner submits
that it was not possible for the petitioner to submit the
documents on a day's notice. Secondly, although up to
now the petitioner is not named as an accused in the
First Information report or charge-sheet, while
appearing before the said officer or being interrogated

by him, suddenly the petitioner may be identified to be an accused and arrested.

Mr. Billwadal Bhattacharya, learned Assistant Solicitor General, very fairly admits that the petitioner up to now is only being called as a witness and that there is no lack of intention on his part to cooperate with the investigating agency.

Having considered the rival contentions of learned counsel, we pass the following order disposing of the writ application:

- (i) The Central Bureau of Investigation will be free to issue another set of notices under Section 91 and 160 of the Criminal Procedure Code to the petitioner asking him to appear on a day with the documents not earlier than 28th September, 2022. A self attested copy of the passport of the petitioner shall, however, be submitted to the Central Bureau of Investigation by 72 (seventy two) hours from date.
- (ii) If the petitioner's presence is required for investigation without the documents, he shall be given at least 72 (seventy two) hours' notice to appear.
- (iii) Interrogation of the petitioner shall be at a stretch and not more than three hours on a

particular day. He may again be summoned on 72 hours' notice.

- (iv) Should at any point of time the Central Bureau of Investigation propose to accuse the petitioner of any alleged offence and start a criminal case against him, he shall not be arrested for a period of 10 (ten) days from such decision to enable him to avail of his remedies against arrest available in law.

This order is subject to the condition that the petitioner shall always cooperate with the investigation, failing which the Central Bureau of Investigation will be at liberty to apply before this court for appropriate modification of this order.

WPA 20866 of 2022 is, thus, disposed of.

As affidavits were not invited, the allegations contained in the writ application are deemed not to have been admitted.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

