

30.09.2022
Item No.02.
Mithun
Ct.42

CRR 3698 of 2022
M/s Mak Infra Projects
Vs.
The State of West Bengal

Mr Y. J. Dastoor, Sr. Adv.
Mr. Phiroze Edulji, Adv.
Mr. Koustav Das, Adv.

...for the petitioner.

Mr. Saryati Dutta, Adv.

...for the State.

In terms of the order dated 27th September, 2022, the instant revision is listed for hearing.

It is submitted by Mr. Y.J. Dastoor, learned Senior Advocate on behalf of the petitioner that the petitioner is in no way connected with Raghunathganj Police Station Case No.731 of 2019. In the said case charge-sheet was filed long ago. After a lapse of about 2 years, police started further investigation and during such investigation, bank account of M/s. Mak Infra Projects, a proprietorship business of one Mr.Sariotullah was frozen.

Mr. Dastoor further submits that in the meantime in a Public Interest Litigation being WPA (P) 493 of 2022, Division Bench of this Court passed an interim order dated 27th September,

2022 holding, *inter alia*, that over the incident which is the subject matter of Raghunathganj Police Station Case No.731 of 2019, Central Bureau of Investigation has been proceeding with investigation. Further investigation under Section 173(8) of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No.731 of 2019 was started only to interfere in the investigation by the C.B.I. Thus, the Division Bench was pleased to direct that the State Investigating Agency will not enter into the subject matter and connected filled up investigation being conducted by the CBI in the FIR being R/C 0102020A0019.

Thus, it is submitted by Mr. Dastoor that in view of the aforesaid order passed by the Division Bench of this Court on 27th September, 2022 in WPA(P) 493 of 2022, the Investigating Agency cannot proceed with further investigation of Raghunathganj Police Station Case No.731 of 2019 dated 24th November, 2019 and the bank account of the petitioner cannot be frozen by virtue of such investigation.

Mr. Saryati Dutta, learned Public Prosecutor-in-Charge, on the other hand, submits that further investigation Raghunathganj Police

Station Case No.731 of 2019 does not transgress the subject matter and filled up investigation being conducted by the CBI in connection with cattle smuggling case. During further investigation, complicity of the proprietor M/s. Mak Infra Project highly transpired and the bank transaction prima facie shows that some suspicious transactions were made at the relevant point of time through the bank account of the petitioner.

It is submitted by Mr. Dastoor, learned Senior Advocate on behalf of the petitioner that the petitioner is engaged in the business of construction of roadways. He is an enlisted contractor of both the State and Central Government. He requires to make labour payment for his job from his bank account. If the bank account is frozen at this stage, the petitioner will suffer irreparable loss and injury.

Having heard the learned Counsels for the parties, this Court directs as an interim measure that the petitioner is permitted to withdraw certain amount of money from the bank account that has been frozen for making labour payment and defraying expenditure relating to construction of road which has been allotted to it by the State

or Central Government from the said bank account after giving due notice to Investigating Agency and on production of bank guarantee doubled the amount of which the petitioner would intend to withdraw in the Court below.

The interim order will remain in force till 31st December, 2022.

(Bibek Chaudhuri, J.)