

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 143 of 2023

***Kaustuv Ray
Vs.
Enforcement Directorate***

**For the petitioner : Mr. Dipak Sengupta, Sr.Adv.
Mr. Sandipan Ganguly, Sr. Adv.
Mr. Jaydeep Biswas, Adv.
Mr. Subhankar Nag, Adv.
Mr. Soumyadeep DAs, Adv.
Mr. Sachin Srivastava, Adv.**

**For the E.D. : Mr. Arijit Chakrabarti, Adv.
Mr. Deepak Sharma, Adv.**

Heard on : 11.01.2023

Judgment On : 11.01.2023.

Bibek Chaudhuri, J.

An order dated 10th January, 2023 passed by the learned Special Judge, CBI, 1st Court Bichar Bhavan in connection M.L. Case No.4 of 2019 is assailed in the instant revision.

The petitioner expressed his apprehension before the Trial Court that there may be tampering with the evidence while extracting data from the seized two mobile phones and one laptop. Therefore, the petitioner made a prayer for examination and extraction of data from

the aforesaid electronic devices in presence of an independent scientific expert in the field of cyber technology. The learned Trial Judge rejected the said application on the ground that if any such order is passed, it would be an instance of interfering with the process of investigation.

I have heard the learned Senior Counsels on behalf of the petitioner and the learned Advocate on behalf of the Enforcement Directorate to whom copy of the instant application has been served before hand. On careful consideration of the submissions made by the learned Counsels for the parties, this Court is of the view that the petitioner will not be prejudiced if on a particular date petitioner is directed to be present in the office of the Enforcement Directorate and the Investigating Officer is directed to prepare sealed cover of seized mobile phones and laptop in his presence and the said articles are sent to Central Forensic Science Laboratory for extraction of data. On such proposal, both the parties have agreed.

Therefore, the petitioner is directed to attend the office of the Enforcement Directorate on 13th January, 2023 at 2:45 p.m. and meet Mr. Chandra Manishi Kumar, Assistant Director, E.D.

The above-named Assistant Director, E.D. is directed to place the seized mobile phones and laptop in presence of the petitioner. Petitioner shall verify the same and in his presence, the above-

mentioned electronic devices will be sealed. Signature of both the petitioner and the Assistant Director, E.D. will be made on the sealed cover as a mark of presence of both the parties at the time of sealing and labelling and then the sealed cover will be sent to the CFSL, Kolkata for scientific examination and extraction of data.

The CFSL Authority is also directed to verify as to whether the signature of the petitioner and the Assistant Director, E.D. are appear on the sealed cover or not and then only open the same for the purpose of examination.

CFSL Authority is directed to submit the report with extract data and seized electronic devices within a fortnight from the date of receipt of the same.

In view of the said order nothing remains in the instant revision. Accordingly, the instant revision is **disposed of** with the above order.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.1.
S/L.**