

04.07.2023
Piya (PA)
Item no. 3
Ct. No. 30

CRR 638 of 2019
Arup Sarkar
Vs.
Dr. Dibyendu Kumar Ray

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Somopriyo Chowdhury
Mr. Soumitra Datta

.....For the petitioner

Mr. Mayukh Mukherjee
Ms. G. Goswami

..... For the Opposite Party

The present revision has been preferred praying for quashing of proceedings in Case No. C/89786 of 2018 pending before the learned Metropolitan Magistrate, 8th Court at Calcutta under Sections 500/501/120B of the Indian Penal Code and all orders passed therein including the orders dated 12th October, 2018 and 21st December, 2018.

The petitioner's case is that the petitioner is a Director of ABP Private Ltd. (hereinafter referred to as 'the company') a company within the meaning of the Companies Act, 2013 having its registered office at 6, Prafulla Sarkar Street, Kolkata-700 001. The company owns and runs two leading dailies published in Bengali and English vernacular respectively under the name and style of 'Anandabazar Patrika' and 'The Telegraph'.

The petitioner has been falsely arraigned and implicated in the instant case at the behest of the opposite party who filed a petition of complaint before the learned Chief Metropolitan Magistrate, Kolkata, inter alia, alleging offences under Sections 500/501/120B of the Indian Penal Code

against the petitioner and other persons. In the petition of complaint the opposite party/complainant, inter alia, alleged as follows:-

*“That he is a renowned neurosurgeon having distinct academic and professional career. That he had received Fellowship from different universities in the United States of America including University of Virginia, University of Illinois, College of Medicine. That on or about September, 2011 the opposite party returned to the State of West Bengal and served the people and joined the West Bengal Medical Education Service. He also joined AMRI Hospital, Salt Lake as a consultant neurosurgeon. That suddenly on or about 10th January, 2016 he found that the accused persons had printed and published a news article in ‘Anandabazar Patrika’ at page no. 18 under the heading **‘Brain Death Eo Nachhar Bitorke Dami Chikitsa’**. That the news article was written by Soma Mukhopadhyay (accused No.4) edited by accused no.2, (Editor) and the petitioner herein and printed by accused nos.5 & 6, i.e., one Satellite Printing Pvt. Ltd. and one Ananda Offset Pvt. Ltd.. That on perusal of the article the opposite party was shocked and surprised to find that most of the contents of the article were false, fake and frivolous and the accused persons had printed and published that the complainant/opposite party had admitted that he has operated on a brain dead patient though no such statement was ever made by the opposite party. That before publishing the article the accused persons did not care to verify the facts that the opposite party had lodged a written complaint on 19th January, 2016 with the Press Council of India, New Delhi and on the basis of the complaint a show cause notice was issued to the accused persons calling upon them to submit their written statement. After hearing the parties the Enquiry Committee of the Press Council of India came to the finding that the accused persons should publish the version of the opposite party along with reply of the correspondent and disposed of the enquiry. That on 27th September, 2018 the opposite party issued a notice on the accused persons to forthwith withdraw the defamatory statements and to tender a written apology.”*

Cognizance was taken by the learned Chief Metropolitan Magistrate, Calcutta on 12th October, 2018 and

the file of the case was transferred to the Metropolitan Magistrate, 8th Court at Calcutta for trial and disposal.

On 21st December, 2018 the learned Metropolitan Magistrate, 8th Court, Calcutta directed issuance of process inter alia, against the petitioner herein after examining the opposite party and one Dr. Rajarshi Roy (witness on behalf of the opposite party) on solemn affirmation.

From the allegations made in the petition of complaint it transpires that the opposite party had approached the Press Council of India much prior to filing of the impugned petition of complaint i.e. in the year 2016. The Press Council of India did not accept the case of the opposite party alleging defamation or inappropriate/false report but only suggested that the version of the opposite party/complainant and the reply of the correspondent should be published in the newspaper.

The opposite party, who was unable to obtain any relief before the Press Council of India has now filed the impugned complaint after lapse of more than 2 years since the date of publication on 10th January, 2016.

It is submitted that the order of cognizance was passed by the learned Chief Metropolitan Magistrate most mechanically and without due application of mind. Similarly while passing the order issuing process the learned Metropolitan Magistrate, 8th Court, Calcutta failed to consider that when the alleged defamation has been caused by an

article published in a newspaper owned by a publisher, except for the 'Editor' (whose name has been declared under Section 5 of the Press and Registration of Books Act, 1867) no prosecution can continue against any other designation holder as no presumption of vicarious liability is application against others.

Although the petitioner has been depicted as the 'Editor-in-Chief' of 'Anandabazar Patrika', in the petition of complaint, the learned Magistrate could not have permitted the prosecution to continue against the petitioner as there is no presumption of vicarious liability against the 'Editor-in-Chief' of the news paper when there is a statutorily declared Editor and Publisher of such news paper existing on the date of publication and filing of complaint.

That it is no longer res integra that when admittedly a publication has been made in a news paper owned by a company or publishing house presumption under Section 7 of the Press and Registration of Books Act, 1867 attracting vicarious liability is only available against an Editor. The Act does not recognize any other legal entity for raising the presumption. Even if the name of the 'Chief Editor' or 'Editor-in-Chief' is published in the newspaper there is no presumption against such person under Section 7 of the Act.

Mr. Sandipan Ganguly, learned senior counsel appearing for the petitioner has submitted that initiation

and continuation of the impugned proceeding has amounted to gross abuse of the process of law.

The order of cognizance and order issuing process have resulted out of manifest illegally and material irregularity and ought to be quashed.

The manner in which the learned Magistrate has permitted the prosecution to continue has caused manifest injustice to the petitioner and thus the impugned order is otherwise bad in law and liable to be and should be set aside/quashed.

Mr. Ganguly has submitted that the matter is to be heard first on the point of non-compliance of the mandatory provision of section 202 Cr.P.C. by the learned Magistrate while issuing process, which has resulted in miscarriage of justice.

The present case is under Sections 500/501/120B of IPC relating to an alleged defamatory article in the 'Anandabazar Patrika' dated 10th January, 2016.

The order issuing process is reproduced here:-

"CS/89786/18

Order date: 21.12.2018

Today is fixed for S/A.

Today the complainant namely, Dibyendu Kumar Ray and the witness namely Rajarshi Roy are present with their Ld. Advocate.

Dibyendu Kumar Ray and Rajarshi Ray as PW-1 and PW-2 have been initially examined on S.A. u/s 200 Cr.P.C.

It appears that the allegations u/s 500/501/120B of IPC have been established prima facie against the accused persons.

Issue summon at once u/s 204 Cr.P.C. upon the accused at once.

To 05.03.2019 for S/R.

Complainant is directed to file requisites at once.

**Sd/-
M.M., 8th Court, Calcutta
Metropolitan Magistrate
8th Court, Calcutta”**

Mr. Mayukh Mukherjee, learned counsel for the opposite party has submitted that the said order is in accordance with law and needs no interference by this Court.

On perusal of the said order dated 21.12.2018 issuing process, it appears that the complainant and one witness have been examined under Section 200 Cr.P.C. From the copy of the petition of complaint on record, it appears that the complaint has been filed before the Chief Metropolitan Magistrate, Calcutta. The address of the accused nos.1, 2, 3 & 4 are within the jurisdiction of the learned Magistrate. But accused nos.5 & 6 are outside the jurisdiction of the learned Court. **As such admittedly an enquiry under Section 202 Cr.P.C. is mandatory in this case, in respect of accused no. 5 and 6.**

Mr. Mukherjee, on behalf of the complainant has submitted that though an inquiry under section 202 Cr.P.C. is to be conducted in respect of accused Nos.5 & 6, the process was rightly issued in respect of the present petitioner

as his address is within the jurisdiction of the Court which issued the process and as such the case should be permitted to proceed against the petitioner.

Mr. Ganguly, on the other hand has submitted that the mandatory provision under Section 202 Cr.P.C. is to be complied with first and only then the case can be proceeded with.

Section 202 Cr.P.C. lays down:-

“202. Postponement of issue of process:-

*(1) Any Magistrate, on receipt of a complaint of an offence of which he is authorised to take cognizance or which has been made over to him under section 192, **may**, if he thinks fit, [and **shall**, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction] postpone the issue of process against the accused, and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding:*

Provided that no such direction for investigation shall be made-

(a) where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session; or

(b) where the complaint has not been made by a Court, unless the complainant and the witnesses present (if any) have been examined on oath under Section 200.

(2) In an inquiry under sub-section (1), the Magistrate may, if he thinks fit, take evidence of witnesses on oath :

Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath.

(3) If an investigation under sub-section (1) is made by a person not being a police officer, he shall have for that investigation all the powers conferred by this Code on an Officer-in-Charge of a Police Station except the power to arrest without warrant.”

In **Vijay Dhanuka Etc vs Najima Mamtaj Etc**,
Criminal Appeal Nos. 678-681 of 2014, on 27 March,
2014, the Supreme Court held that:-

“.....the next question which falls for our determination is whether the learned Magistrate before issuing summons has held the inquiry as mandated under Section 202 of the Code. The word “inquiry” has been defined under Section 2(g) of the Code, the same reads as follows:

“2. xxx xxx xxx

(g) “inquiry” means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court;

xxx xxx xxx” It is evident from the aforesaid provision, every inquiry other than a trial conducted by the Magistrate or Court is an inquiry. No specific mode or manner of inquiry is provided under Section 202 of the Code. In the inquiry envisaged under Section 202 of the Code, the witnesses are examined whereas under Section 200 of the Code, examination of the complainant only is necessary with the option of examining the witnesses present, if any.

This exercise by the Magistrate, for the purpose of deciding whether or not there is sufficient ground for proceeding against the accused, is nothing but an inquiry envisaged under Section 202 of the Code. In the present case, as we have stated earlier, the Magistrate has examined the complainant on solemn affirmation and the two witnesses and only thereafter he had directed for issuance of process.....”

In the present case the Magistrate has examined the complainant and one witness.

In **Shivjee Singh vs Nagendra Tiwary and others**,
Criminal Appeal No. 1158 of 2010 (arising out of SLP

(Crl.) No. 1416 of 2009) on July 6, 2010, the Supreme

Court held that:-

*“7. An analysis of the above reproduced provisions shows that when a complaint is presented before a Magistrate, he can, after examining the complainant and his witnesses on oath, take cognizance of an offence. This procedure is not required to be followed when a written complaint is made 9 by a public servant, acting or purporting to act in discharge of his official duties or when a Court has made the complaint or if the Magistrate makes over the case for inquiry/trial to another Magistrate under Section 192. Section 202(1) empowers the Magistrate to postpone the issue of process against the accused and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person which he thinks fit **for the purpose of deciding whether or not there exists sufficient ground for proceeding.** By Amending Act No.25 of 2005, the postponement of the issue of process has been made mandatory where the accused is residing in an area beyond the territorial jurisdiction of the concerned Magistrate. Proviso to Section 202(1) lays down that direction for investigation shall not be made where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Sessions or where the complaint has not been made by a Court unless the complainant and the witnesses have been examined on oath under Section 200. Under Section 202(2), the Magistrate making an inquiry under sub-section (1) can take evidence of the witnesses on oath. If the Magistrate thinks that the offence complained of is triable exclusively by the Court of Sessions then in terms of proviso to Section 202, he is required to call upon the complainant to produce all his witnesses and examine them on oath. Section 203 empowers the Magistrate to dismiss the complaint if, after considering the 10 statements made by the complainant and the witnesses on oath and **the result of the inquiry or investigation, if any, made under Section 202(1), he is satisfied that there is no sufficient ground for proceeding.** The exercise of this power is hedged with the condition that the Magistrate should record brief reasons for dismissing the complaint. Section 204, which talks of issue of process lays down that if the Magistrate taking cognizance of*

an offence is of the view that there is sufficient ground for proceeding then he may issue summons for attendance of the accused in a summons-case.....

8. The object of examining the complainant and the witnesses is to ascertain the truth or falsehood of the complaint and determine whether there is a prima facie case against the person who, according to the complainant has committed an offence. If upon examination of the complainant and/or witnesses, the Magistrate is prima facie satisfied that a case is made out against the person accused of committing an offence then he is required to issue process. Section 202 empowers the Magistrate to postpone the issue of process and either inquire into the case himself or direct an investigation to be made by a police officer or such other person as he may think fit for the purpose of deciding **whether or not there is sufficient ground for proceeding.** Under Section 203, the Magistrate can dismiss the complaint if, after taking into consideration the statements of the complainant and his witnesses and **the result of the inquiry/investigation, if any, done under Section 202,** he is of the view that there does not exist sufficient ground for proceeding. On the other hand, Section 204 provides for issue of process if the Magistrate is satisfied that there is sufficient ground for doing so. **The expression “sufficient ground” used in Sections 203, 204 and 209 means the satisfaction that a prima facie case is made out against the person accused of committing an offence and not sufficient ground for the purpose of conviction.** This interpretation of the provisions contained in Chapters XV and XVI of Cr.P.C. finds adequate support from the judgments of this Court in **R.C. Ruia v. State of Bombay**, 1958 SCR 618, **Vadilal Panchal v. Duttatraya Dulaji Ghadigaonkar** (1961) 1 SCR 1, **Chandra Deo Singh v. Prokash Chandra Bose** (1964) 1 SCR 639, **Nirmaljit Singh Hoon v. State of West Bengal** (1973) 3 SCC 753, **Kewal Krishan v. Suraj Bhan** (1980) Supp SCC 499, **Mohinder Singh v. Gulwant Singh** (1992) 2 SCC 213 and **Chief Enforcement Officer v. Videocon International Ltd.** (2008) 2 SCC 492.

11. The aforesaid view was reiterated in **Mohinder Singh v. Gulwant Singh (supra)** in the following words:

“The scope of enquiry under Section 202 is extremely restricted only to finding out the truth or otherwise of the allegations made in the complaint in order to determine whether process should issue or not under Section 204 of the Code or whether the complaint should be dismissed by resorting to Section 203 of the Code on the footing that there is no sufficient ground for proceeding on the basis of the statements of the complainant and of his witnesses, if any. But the enquiry at that stage does not partake the character of a full dress trial which can only take place after process is issued under Section 204 of the Code calling upon the proposed accused to answer the accusation made against him for adjudging the guilt or otherwise of the said accused person. Further, the question whether the evidence is adequate for supporting the conviction can be determined only at the trial and not at the stage of the enquiry contemplated 14 under Section 202 of the Code. To say in other words, during the course of the enquiry under Section 202 of the Code, the enquiry officer has to satisfy himself simply on the evidence adduced by the prosecution whether prima facie case has been made out so as to put the proposed accused on a regular trial and that no detailed enquiry is called for during the course of such enquiry.”

(emphasis supplied)

13.The High Court held that the order of committal was vitiated due to violation of the mandate of proviso to Section 202(2). Before this Court, the issue was considered by a two-Judge Bench. M.B. Shah, J., referred to Sections 200 and 202, the judgment of this Court in **Ranjit Singh v. State of Pepsu** AIR 1959 SC 843 and held:

“Further, it is settled law that the inquiry under Section 202 is of a limited nature. Firstly, to find out whether there is a prima facie case in issuing process against the person accused of the offence in the complaint and secondly, to prevent the issue of process in the complaint which is either false or vexatious or intended only to harass such a person. At that stage, the evidence is not to be meticulously appreciated, as the limited purpose being of finding out “whether or not there

*is sufficient ground for proceeding against the accused". The standard to be adopted by the Magistrate in scrutinising the evidence is also not the same as the one which is to be kept in view at the stage of framing charges. **At the stage of inquiry under Section 202 CrPC the accused has no right to intervene and that it is the duty of the Magistrate while making an inquiry to elicit all facts not merely with a view to protect the interests of an absent accused person, but also with a view to bring to book a person or persons against whom grave allegations are made."***

In the present case, the Magistrate while conducting the examination under Section 200 Cr.P.C. admittedly **did not consider the document on which the total complaint case is based (Anandabazar Patrika, publication dated 10.01.2016).**

The thought and purpose behind the amendment of 2005 of Section 202 Cr.P.C. was to decide **whether or not there exists sufficient ground for proceeding on being satisfied that a prima facie case is made out against the accused of committing the offenses alleged.**

In ***Birla Corporation Ltd. vs Adventz Investments and Holdings Ltd. and Ors., (2019) 16 SCC 610, on May 9, 2019***, the Supreme Court held:-

28. In *Mehmood Ul Rehman v. Khazir Mohammad Tunda and Others* (2015) 12 SCC 420, the scope of enquiry under Section 202 Cr.P.C. and the satisfaction of the Magistrate for issuance of process has been considered and held as under:-

"2. Chapter XV Cr.P.C. deals with the further procedure for dealing with "Complaints to Magistrate". Under Section 200 Cr.P.C, the Magistrate, taking cognizance of an offence on a

complaint, shall examine upon oath the complainant and the witnesses, if any, present and the substance of such examination should be reduced to writing and the same shall be signed by the complainant, the witnesses and the Magistrate. Under Section 202 Cr.P.C, the Magistrate, if required, is empowered to either inquire into the case himself or direct an investigation to be made by a competent person “for the purpose of deciding whether or not there is sufficient ground for proceeding”. If, after considering the statements recorded under Section 200 Cr.P.C and the result of the inquiry or investigation under Section 202 Cr.P.C, the Magistrate is of the opinion that there is no sufficient ground for proceeding, he should dismiss the complaint, after briefly recording the reasons for doing so.

3. Chapter XVI Cr.P.C deals with “Commencement of Proceedings before Magistrate”. If, in the opinion of the Magistrate taking cognizance of an offence, there is sufficient ground for proceeding, the Magistrate has to issue process under Section 204(1) Cr.P.C for attendance of the accused.”

29. *Reiterating the mandatory requirement of application of mind in the process of taking cognizance, in Bhushan Kumar and Another v. State (NCT of Delhi) and Another (2012) 5 SCC 424, it was held as under:-*

“11. In *Chief Enforcement Officer v. Videocon International Ltd.* (SCC p. 499, para 19) the expression “cognizance” was explained by this Court as “it merely means ‘become aware of’ and when used with reference to a court or a Judge, it connotes ‘to take notice of judicially’. It indicates the point when a court or a Magistrate takes judicial notice of an offence with a view to initiating proceedings in respect of such offence said to have been committed by someone.” It is entirely a different thing from initiation of proceedings; rather it is the condition precedent to the initiation of proceedings by the Magistrate or the Judge. Cognizance is taken of cases and not of persons. Under Section 190 of the Code, it is the application of judicial mind to the averments in the complaint that constitutes cognizance. At this stage, the Magistrate has to be satisfied whether there is sufficient ground for proceeding and not whether there is sufficient ground for conviction. Whether the evidence is adequate for supporting

the conviction can be determined only at the trial and not at the stage of enquiry. If there is sufficient ground for proceeding then the Magistrate is empowered for issuance of process under Section 204 of the Code.”

In ***Birla Corporation Ltd. vs Adventz Investments and Holdings Ltd. and Ors., (Supra)***, the Supreme Court held:-

“33. *The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. The application of mind has to be indicated by disclosure of mind on the satisfaction. Considering the duties on the part of the Magistrate for issuance of summons to accused in a complaint case and that there must be sufficient indication as to the application of mind and observing that the Magistrate is not to act as a post office in taking cognizance of the complaint, in Mehmood Ul Rehman, this Court held as under:-*

“22.the Code of Criminal Procedure requires speaking order to be passed under Section 203 Cr.P.C. when the complaint is dismissed and that too the reasons need to be stated only briefly. In other words, the Magistrate is not to act as a post office in taking cognizance of each and every complaint filed before him and issue process as a matter of course. There must be sufficient indication in the order passed by the Magistrate that he is satisfied that the allegations in the complaint constitute an offence and when considered along with the statements recorded and the result of inquiry or report of investigation under Section 202 Cr.P.C., if any, the accused is answerable before the criminal court, there is ground for proceeding against the accused under Section 204 Cr.P.C., by issuing process for appearance. The application of mind is best demonstrated by disclosure of mind on the satisfaction. If there is no such indication in a case where the Magistrate proceeds under Sections 190/204 Cr.P.C., the High Court under Section 482 Cr.P.C. is bound to invoke its inherent power in order to prevent abuse of the power of the criminal court. To be called to appear before the criminal court as an accused is serious matter affecting one’s dignity, self-respect and image in society.

Hence, the process of criminal court shall not be made a weapon of harassment.”

34. In *Pepsi Foods Ltd. and Another v. Special Judicial Magistrate and Others* (1998) 5 SCC 749, the Supreme Court has held that summoning of an accused in a criminal case is a serious matter and that the order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and law governing the issue. In para (28), it was held as under:-

“28. Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. The Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is *prima facie* committed by all or any of the accused.”

The principle that summoning an accused in a criminal case is a serious matter and that as a matter of course, the criminal case against a person cannot be set into motion was reiterated in *GHCL Employees Stock Option Trust v. India Infoline Limited* (2013) 4 SCC 505.”

From the order dated 21.12.2018, it is evident that there has been no application of mind by the Magistrate, as even the basic material on which the total case is based has not been considered. There has been no proper consideration even under Section 200 Cr.P.C.

The next point to be addressed is whether the case should proceed in respect of the accused persons against whom an inquiry under Section 202 is not required.

The present case rests on allegations which apply to all the accused persons.

Thus, when an inquiry is to be carried out under Section 202 Cr.P.C. in respect of allegations against one of the accused person who has been **charged with the same allegations/offences** as that of all the other accused persons, the enquiry under Section 202 Cr.P.C. is to be conducted in respect of all the accused persons, **to decide whether or not there exists sufficient ground for proceeding on being satisfied that a prima facie case is made out against the accused persons of committing the offenses alleged.**

In the present case, as the allegations are the same against all the accused persons, Section 202 Cr.P.C. becomes applicable in respect of all the accused persons.

An inquiry (mandatory) regarding the same allegations to decide whether sufficient ground exists to proceed, becomes applicable to all the accused persons, if the mandatory (shall) inquiry under Section 202 Cr.P.C. is applicable to any one of them.

Section 202 Cr.P.C. lays down that the Magistrate **may** conduct an inquiry in respect of an accused within its jurisdiction but **shall** conduct an enquiry in respect of an

accused outside the jurisdiction of the Court. **This exercise has to be carried out to ensure that persons staying out of the jurisdiction of the Court are not harassed on the basis of false and motivated allegations. As the said inquiry has to be conducted for those outside the jurisdiction, the same becomes mandatory (shall) and not (may) for also those within the jurisdiction as the inquiry is in respect of the same allegations against all the accused persons.**

In the present case no enquiry under Section 202 Cr.P.C. has been conducted. The documents on which the case is based has also not been considered, by Magistrate.

The order passed by learned Metropolitan Magistrate, 8th Court at Calcutta under Sections 500/501/120B of the Indian Penal Code, **dated 21st December, 2018** is hereby set aside and quashed.

CRR 638 of 2019 is thus disposed of.

The learned Magistrate shall conduct an inquiry under Section 202 of Cr.P.C. in respect of the allegations against all the accused persons including the petitioner herein, **preferably within two months** from the date of this order in Case No. C/89786 of 2018.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the learned Trial Court forthwith for necessary compliance.

Urgent certified website copy of this order, if applied for, be immediately made available to the parties subject to compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)