

24.01.2023
S/L No.19
KS

C.R.R. 1062 of 2021
Ashok Kumar Poddar
-Vs.-
Securities and Exchange Board of India

Mr. Anuj Singh
Ms. N. K. Singh
Ms. S. Singh
Mr. A. K. Singh
.....For the Petitioner
Mr. Y. J. Dastoor
Mr. P. K. Dutta
Mr. S. K. Dutta
Mr. S. Banerjee
Mr. S. Goswami
.....For the SEBI

The present revisional application relates to a complaint case being, Case No.C-4909 of 2002 which was renumbered as Special Case No. SEBI/10/2018 of 2018 presently pending before the Learned Judge, 5th Special Court, Calcutta under Section 24(1) of the Securities and Exchange Board of India Act and Section 23(1) of the Securities Contracts (Regulation) Act as also the orders passed therein.

In view of the fact that the complaint was filed in the year 2002 and more than 21 years have already been passed since institution of the complaint, at this later stage, I am not inclined to enter into the merits or viability of the complaint, however, the petitioner would be at liberty to agitate the points at the stage of cross-examination of the witnesses and also the final arguments of the case.

Mr. Singh, learned advocate appearing for the petitioner has also submitted that warrant of arrest has been issued against the petitioner without any notice being issued when the case was transferred from the Court of the Learned C.M.M., Calcutta to the learned Special Court. Learned advocate submits that prior to the case being transferred, the petitioner was granted bail by the Learned C.M.M., Calcutta and was also subsequently allowed to be represented under Section 205 of the Code of Criminal Procedure. In these circumstances, I direct the Learned Special Court, Calcutta to assess regarding the bail being granted by the Learned C.M.M., Calcutta, in case the petitioner was granted bail by the Learned C.M.M., Calcutta, the learned Special Court on appearance of the petitioner would recall the warrant of arrest issued and allow the petitioner to continue on the same bail and bond which was furnished before the Learned C.M.M., Calcutta.

The petitioner would appear before the Learned Special Court by 24th February, 2023. The warrant of arrest so issued by the learned Special Court, Calcutta be kept in abeyance till 28th February, 2023. Learned Special Court would take steps so that the proceedings progress smoothly.

With the aforesaid observations, C.R.R. 1062 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)