

June 8, 2023
AD -62
Ct. 34
SG

CRR 2033 of 2023

Sadhan Naskar
-versus-
Central Bureau of Investigation and another

Mr. Ayan Basu
Mr. Rajnish Kumar Kalawatia
Mr. Dipanjan Dutt
Mr. Sumit Routh
Mr. Abdullah Bin Masi

... for the petitioner

Learned advocate for the petitioner submits that he received a notice issued by the Deputy Commissioner, Customs House, Kolkata dated 28.04.2023 wherein he was asked to inspect the RUD pursuant to the orders dated 27.03.2023 and 30.03.2023 passed by the learned CBI Court in case No.04/2014.

Mr. Ayan Basu, learned advocate for the petitioner submits that the petitioner has no grievance in respect of the documents under Section 207 Cr.P.C. which relate to the criminal proceedings which have been supplied to him. The relied upon documents referred to in the order dated 06.06.2022 passed by the Central Administrative Tribunal, Kolkata relate to disciplinary proceedings, which is the subject matter therein.

According to the petitioner, the relied upon documents in the disciplinary proceedings and the CBI proceedings are not the same and the petitioner is being compelled to inspect the documents which are recorded in the CBI case, which have been utilised in the disciplinary

proceedings. So far as the notice which has been issued on 28.04.2023, the petitioner is directed to get clarification from the Central Administrative Tribunal, Kolkata whether the petitioner can be asked to inspect the documents or not. The order passed by the 3rd special court, CBI Court, Calcutta was only for the purpose of inspection of the records by the customs airport authority.

The petitioner would be at liberty to file an appropriate application before the CAT wherein the said tribunal would firstly clarify from the customs authorities regarding the nature of the relied upon documents for being used in the disciplinary proceedings and the customs authorities should first explain that both the documents relating to the disciplinary proceedings and the criminal proceedings are one and the same.

No further orders are required to be passed for interference by this Court at present.

With the aforesaid observations, CRR 2033 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

