

CRR 3254 of 2023

In Re:- An application under Section 482 of the Cr.P.C.

In the matter of : **Enforcement Directorate**

... petitioner

Mr. Arijit Chakraborty

Mr. Deepak Sharma

...For the petitioner

1. Mr. Chakraborty, learned advocate appearing for the Enforcement Directorate/petitioner has challenged the order dated 17th July 2023 and has submitted that the proceedings in M.L. case no. 09 of 2018 is delayed for no fault on behalf of the prosecuting agency. The Special CBI Court no. 1, Calcutta, in-charge of the PMLA Court has assigned his reason for not proceeding with the present case, because in respect of G.R. Case no.539 of 2014 which is the predicate offence, a revisional application is pending before the High Court.
2. Be that as it may, so far as the powers under Section 44 of the PMLA Act is concerned, the same is for the purpose of trial before the same Court. The offences are independent of each other and the same should not deter as such the PMLA Court to exercise its discretion at the stage of consideration of charges, so far as the provisions relating to PMLA Act are concerned.
3. The Learned Special Court is directed to proceed with M.L.Case no. 09 of 2018 independently and not to wait for

the outcome of the revisional application being CRR 1560 of 2023.

4. Records reflect that the next date is fixed on 30th August 2023. The Learned Special Court is directed to proceed with the next stage of the case on the next date so fixed, without being influenced by the pendency of the revisional application before this Court.
5. With the above directions, the revisional application being CRR 3254 of 2023 is ***disposed of***.
6. Pending application, if any, is also disposed of.
7. Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)