

ORDER SHEET
WPO/2469/2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MMC WAREHOUSING AND ORS
VERSUS
BANK OF INDIA, JAMUNA LAL BAJAJ BRANCH AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 5th June, 2023.

Appearance:

Mr. Bhaskar Ghosh, Adv.

Mr. Sohom Saha, Adv.

. . for the petitioners.

Mr. Dhiraj Trivedi, Adv.

Mr. Rishav Kr. Thakur, Adv.

Mr. Amajit De, Adv.

. . for C.B.I.

Mr. Dipankar Das, Adv.

. . for the respondent nos.1 and 2.

Mr. Santosh Kr. Ray, Adv.

Ms. A. Guha, Adv.

. . for the respondent nos.3 and 4.

The Court: On the prayer of learned counsel for the CBI, the Vakalatnama as well as the affidavit of competency filed by the CBI today be accepted and kept on record.

Affidavit in opposition and reply filed today be kept on record.
Learned counsel for the petitioners submits that the bone of contention is

that certain documents of the petitioners, being three title deeds, have been withheld by the respondent authorities.

Learned counsel for the CBI, by placing reliance on the report filed by the CBI in the form of an affidavit, contends that the said documents are a vital part of an investigation being carried out by the CBI, in which charge-sheet has already been filed. It is contended that the original documents are required to be marked as exhibits in the criminal proceeding in all probability and, as such, are an integral part of the said proceeding. Hence, those cannot be released in original at the present stage in favour of the petitioners.

Upon hearing learned counsel for the parties, it is clear that the said original documents, of which the petitioners are seeking return, are at present an integral part of the criminal investigation which has been undertaken by the CBI and has given rise to a criminal proceeding which is now pending before the appropriate Court.

Hence, it would not be prudent at the present juncture to release such documents in favour of the petitioners or in favour of any other third party.

Hence, there is no scope of interfering with the present writ petition, accordingly, WPO 2469 of 2022 is disposed of with liberty to the petitioners to apply for a return of the said documents, if need be, before the appropriate Criminal Court where the documents are subsequently produced and/or at a stage after the criminal adjudication is over, if the petitioners are otherwise entitled to do so in law.

In the meantime, nothing in this order shall prevent the petitioners from applying duly for certified copies of the said documents and obtain the

same from the registering authorities, to suffice for the need of the petitioners at present. No order as to costs.

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

(SABYASACHI BHATTACHARYYA, J.)

SP/