

17.02.2026

Sl. No.15.

D/L.

Mithun.

Ct.No.29.

CRR/5531/2025

With

CRAN 1 of 2026

Archana Bagla

Vs.

The State of West Bengal & Anr.

Mr. Ayan Bhattacharjee, Sr. Adv.,
Mr. Somopriyo Choudhury,
Mr. Zohaila Raut,
Mr. S.N.Upadhyay,
Mr. Anurag Modi,
Ms. Ankita Sikdar

...for the petitioner

Mr. Adil Rashid

...for the ED.

This is an application wherein petitioner has challenged the order dated 15th November, 2025 passed by learned Chief Judge, City Sessions Court, Calcutta in ML Case No.15 of 2025 under Section 4 read with Section 3 and Section 70 of the Prevention of Money Laundering Act, 2002 including the Pre-Cognizance Notice dated November 19, 2025 issued as a consequence thereof.

Being aggrieved by the aforesaid provision, learned Counsel for the petitioner has relied upon Paragraph 29 of the Judgment passed in ***Kaberi Dey & Ors. Vs. Sourav Bhattacharjee*** reported in **2025 SCC OnLine Cal 5928** and contended that the Court below has insisted for personal appearance of the petitioner and others in contrary to what has been laid down by the said judgment in Paragraph 29(d) of the judgment and the notice also does not indicate that the proposed accused may

avail of the facilities of legal aid in terms of the provision under the Legal Aid Authorities Act, 1987 if so qualifies.

He further submits that the Court below put the cart before the horse by incorporating Paragraph 13 of the order wherein he has stated that the complainant being a public servant is exempted to be examined on solemn affirmation. This portion of the order is completely uncalled for in view of the fact that the case is at the stage of pre-cognizance hearing.

Learned Counsel appearing on behalf of the Enforcement Directorate gives consent that the petitioners may be permitted to be represented through their learned Counsel at the time of pre-cognizance hearing.

I have considered submissions made on behalf of both the parties. Having gone through the order dated 11.11.2025 and 15.11.2025 and also going through the Pre-Cognizance Notice dated 19th November, 2025 it appears that there is no indication that the petitioner may also be represented through their learned Counsel as indicated in the said judgment in Paragraph 29(c). It further appears that the learned Counsel for the petitioner has rightly pointed out that at the pre-cognizance stage of hearing, the question of exempting any public servant to be examined on solemn affirmation does not arise. Therefore, Paragraph 13 and 24 of the order dated 11.11.2025 and Para 9 of the order dated 15.11.2025 which relates to appearance of the petitioners are hereby set aside. The Court below is directed to issue fresh pre-cognizance notice of hearing upon the petitioners and others strictly in compliance with the modalities laid down in Paragraph 29 of the judgment passed in ***Kaberi Dey & Ors. (supra)***.

The instant application being CRR 5531 of 2025 along with connected application are accordingly disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)