

Item No.1
02.09.2023
Bpg.

C.R.R.2653 of 2023
With
CRAN 1 of 2023

Abhishek Banerjee
Versus
The Directorate of Enforcement(ED)

Mr. Kishore Datta
Mr. Sanjay Basu
Mr. Soumen Mohanty
Mr. Ayan Poddar
Mr. Piyush Kr. Ray
Mr. Agnish Basu
Ms. Riddhi Jain.

...for the petitioner.

Mr. S.V. Raju, Ld. A.S.G
Mr. Phiroze Edulji
Mr. Samrat Goswami
Mr. Zoheb Hossain
Ms. Anamika Pandey
Ms. Amrita Pandey
Mr. Ghanashyam Pandey.
...for the E.D.

Mr. Arindam Jana
Mr. Bikram Banerjee
Mr. Sudipta Dasgupta
Mr. Arka Nandi.

...for the affected party(Ramesh Malik).

Mr. Bikash Ranjan Bhattacharyya
Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Sampriti Saha.

...for the affected party(Soumen Nandy).

Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Rudradipta Nandy.
...for the State.

Earlier by an order dated 21.08.2023, the hearing of the

arguments in connection with this case was concluded after written notes of arguments were submitted on behalf of the petitioner as well as the Enforcement Directorate and a list of dates was submitted on behalf of the added party by Mr. Bhattacharya, learned senior advocate. On the said date, this Court reserved the judgment and fixed 05.09.2023, as the date for pronouncement of the judgment. Subsequently, an application was taken out on behalf of the petitioner claiming that in the interregnum period, a raid was conducted at an office, namely, "Leaps & Bounds" wherein the petitioner happens to be the Chief Executive Officer and for a limited period of time, the petitioner was also a Director.

Mr. Dutta, learned senior advocate who represented the petitioner in the application being CRAN 1 of 2023 apprehends that 16 files were downloaded which had something to do with the investigation which is being carried out, while Mr. Raju, learned ASG appearing for the ED submits that the same had nothing to do with the search and seizure which was carried out at the said Office and it is only one of the Officers whose anxiety for his child after the search and seizure was over, was checking the hostel accommodation in the computer of the said Company, the hard disc of which was never seized. Learned ASG further submits that such use of the computer was in presence of the Officer of the Company.

Mr. Datta, learned senior advocate for the petitioner submits that the same was not with the consent and knowledge of the employees or the Officers of the said Company.

In view of the present circumstances, the date fixed for

delivery of the judgment for the time being is kept in abeyance.

In the meantime, the Investigating Officer of the Enforcement Directorate, namely, Mithilesh Kumar Mishra, Assistant Director and one of the Inspectors, namely, Mr. Amitava Sinha Ray, who is attached to the Cyber Police Station, Kolkata will coordinate amongst themselves and go to the Office of CFSL, New Town, Kolkata.

Hard copies of the alleged 16 files which are the subject matter of the present application (as the hard disc of which is presently lying with the CFSL, Kolkata) be placed before this Court in the mode and manner which the expert of CFSL thinks fit and proper.

Both the Officers would be present at the time of receipt of the downloaded copies at the said Office. A representative of CFSL, Kolkata would produce the same before this Court on the next date so fixed.

This order be communicated through the Investigating Officer of the Enforcement Directorate to the CFSL, Kolkata.

Matter be fixed on 4th September, 2023 at 4.30 p.m. under the heading "To Be Mentioned".

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

(Tirthankar Ghosh, J.)