

M.L. Case No. 13 of 2022

Order No. 03 Dated:- 05.08.2022

Accused persons namely Partha Chatterjee and Arpita Mukherjee are produced from Police Custody of ED.

Accused persons are taken into custody and remanded to J/C till date.

Ld. Advocate for the accused persons and Ld. Special PP for ED are present.

I.O of this case is also present.

Bail petition filed on behalf of accused person viz Partha Chatterjee is taken up for hearing.

Heard the Ld. Advocates. Considered.

Ld. Advocate on behalf of the accused person submits that the petitioner Partha Chatterjee is not FIR named accused and he is an innocent person who has falsely been implicated in this case which will be revealed at the time of trial.

Ld Advocate further submits that the accused is an aged person who is in custody of the ED since 23.07.2022, no such recovery has been made from the possession of the accused petitioner and further detention of the accused will not serve any purpose and has prayed for enlarging him on bail in any condition.

Ld Advocate further submits that no such recovery has been made from the possession of the accused petitioner and further detention of the accused will not serve any purpose and has prayed for enlarging him on bail in any condition.

Ld. Advocate drew the attention of this Court regarding section 45 of PML Act and has prayed enlarging the accused petitioner on bail in any condition.

Ld. Advocate further submits that the allegations as labelled against the accused persons and the document seized during investigation are ingenuine and do not speak any truthfulness.

Ld. Advocate also submits that substantial portion of investigation has been completed and keeping the accused person in further custody will not serve any purpose.

Ld. Advocate submits that the accused is a permanent resident of Kolkata and there is no chance of absconding if he is enlarged on bail on any strigent terms and conditions and prays for enlarging him on bail.

Ld. Advocate during his submission refers the case law of State of Kerala & Anr Vs. C.P. Rao (2011)4 MLJ(CrI) 723 and the case law of Dashrath Singh Chauhan Vs. CBI in support of his submission.

Ld. Spl. PP on behalf of the ED submits that a search was conducted at the premises of Partha Chatterjee and Ms. Arpita Mukherjee and other places linked with the case on 22.07.2022 and during course of search at the residential premises of Shri Partha Chatterjee various incriminating documents relating to immovable properties in the name of Ms. Arpita Mukherjee and companies were

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recovered and seized and during search at the premises of Ms. Arpita Mukherjee cash amount to the tune of Rs. 21.90 crores has been recovered which is nothing but proceedings of crime generated in relation to the criminal activities for giving illegal appointments to Assistant Teachers for Class IX to XII as well as Primary Teachers in lieu of money.

Ld. Advocate further submitted that Partha Chatterjee and Arpita Mukherjee are found involved for the commission of offence of money laundering by indulging in criminal conspiracy for the object of illegally giving jobs for the post of Assistant Teachers and also in Primary Teachers and generating huge proceeds of crime and for having knowingly indulge, assisted, involved and being a party in the process and actively connected to the proceeds of crime including its concealment, possession, acquisition, use and projecting and claiming the said proceeds of crime as untainted property deriving illegal monetary gains and have committed offence u/s 3 punishable under Section 4 of PMLA Act.

Ld Advocate for the ED also submits that on the basis of interrogation and scrutiny of documents seized during the course of searches on 22.07.2022 the ED conducted further searches on 27.07.2022 which led to a further recovery and seizure of huge and unprecedented cash amount of Rs 27.90 cores from the premises situated at Flat-8A, Block-5, Club town heights, Belghoria, Kolkata is owned by Ms. Arpita Mukherjee, the close associate of the accused Shri Partha Chatterjee.

Ld advocate further submits that the gold valued at Rs 4.31 crores was seized from the premises located at Club Town Heights, Belghoria and the gold was in the form of bullion, heavy kangana weighing 500 grams each, a gold pen and some jewellery and a number of other incriminating documents were also seized from the said premises which indicated towards large scale money laundering by the accused persons

Ld. Advocate also submits that document seized reveal the close association of the accused Ms. Arpita Mukherjee with the family members of Shri Partha Chatterjee through a company named M/s. Ananta Texfab Pvt. Ltd. and the registered addresses of this company is Flat No. 8A, Block-5, Club Town Heights, Belghoria, Kolkata from where huge cash amounting to Rs. 27.90 crores were seized.

Ld. Advocate further submits that scrutiny of documents seized during the searches has revealed 31 numbers of LIC Insurance Policies in the name of Ms. Arpita Mukherjee in which the nominee is Shri Partha Chatterjee.

Ld advocate also submits that investigation has revealed that the accused Shri Partha Chatterjee and Ms. Arpita Mukherjee entered into a partnership with equal share vide a Partnership Deed dated 01.11.2012 by the name M/S APA Utility Services and that properties were then bought in the name of this partnership firm of the accused persons and have committed offence u/s 3 punishable under Section 4 of PML Act.

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Ld. Advocate also drew the attention of this Court regarding section 24 of PML Act read with Section 45 of the said Act and raised serious objection for enlarging the accused petitioner on bail.

Ld Advocate for the ED also submits that some bogus firms were also used for laundering the proceeds of crime which are under active investigation.

Ld Advocate further submits that the petitioner Partha Chatterjee is an influential leader of the ruling party of the state and he may tamper with the evidences which are still to be unearthed in the investigation and has raised strong objection for enlarging the accused petitioners on bail.

On perusal of the case record and the CD/case papers it appears that the allegations against the accused persons is serious in nature. During Police Custody period of ED huge quantity of money, gold ornaments, properties, Bank Accounts and other incriminating documents, and papers have been detected, recovered and seized. Form the materials available on Case Diary it appears that accused persons are involved in the commission of offence as alleged. It's a case U/S 3 & 4 of the Prevention of Money Laundering Act which is a case of serious in nature. Earlier occasion bail prayer of Partha Chatterjee was rejected by this Court and no change of circumstances is found for enlarging the petitioner Partha Chatterjee on bail. Investigation process has just initiated and is in process & progress. Allegation as labelled against the accused persons is grave in nature. Considering the fact, nature & gravity of offence and the initial stage of investigation the prayer for bail of the accused petitioners is rejected.

Applications filed on behalf of the ED with a prayer to cause interrogation of the accused persons viz Partha Chatterjee and Arpita Mukherjee in judicial custody and to record their statement in writing along with his two officers and the concerned Superintendent of the Jail authority which is heard considered and allowed.

Superintendent of Presidency Correctional home, Calcutta and Superintendent of Women Correctional Home Alipur are directed to allow the I.O of this case along with his two officers to cause interrogation and record the statement of the accused persons viz. Partha Chatterjee and Arpita Mukherjee.

Superintendents are further directed to render all necessary co-operations to the investigating team and to submit report in court on the date fixed.

Both the Prosecution and the Ld. Advocate on behalf of Arpita Mukherjee has prayed for giving necessary direction to the Superintendent of Correctional Home for arrangement of necessary steps in respect of safety and security of the accused Arpita Mukherjee during judicial custody for the interest of justice.

Heard the Ld. Advocate on behalf of accused Arpita Mukherjee and Ld. Spl.PP for ED. Considered and prayer is allowed.

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
Superintendent of Women Correctional Home, Alipur is directed to make all necessary arrangement regarding safety and security of the accused Arpita Mukherjee for the interest of justice and submit report in Court on the date fixed.


To **18.08.2022** for production of the accused persons, reports and for further order.

Let a copy of this order be given to

- (i) I.O. of this case,
- (ii) Spl. PP of ED.
- (iii) Superintendent of Presidency Correctional Home, Calcutta. and
- (iv) Superintendent of Women Correctional Home, Alipur.

Dictated & corrected


Judge-in-charge
Special (CBI) Court -1,
City Sessions Court,
Bichar Bhawan, Calcutta


Judge-in-charge
Special (CBI) Court -1
City Sessions Court,
Bichar Bhawan, Calcutta