

29-12-2023  
K.B/s.d  
Item no  
ADSL1  
Ct no. 3

*IN THE HIGH COURT AT CALCUTTA  
Criminal Revisional Jurisdiction  
CRR 5028 of 2023*

*Viraj Suhas Patil  
-versus-  
Enforcement Directorate*

Mr. Sabyasachi Banerjee  
Mr. Shourjyo Mukherjee  
Mr. Vishwarup Acharya  
Mr. Vikram Mitra  
.....for the petitioner.

The petitioner is aggrieved with the order dated 27<sup>th</sup> December, 2023 passed by the learned Chief Metropolitan Magistrate, Calcutta in ML Case No. 1 of 2023.

Mr. Banerjee, learned advocate representing the petitioner here has contended that the law is well settled as per Section 41D Cr.PC and the right duly accrues in favour of his client to see his lawyers during the course of interrogation, when he is in remand with the respondent authority.

He has taken this court to a previous order passed by the Magistrate directing the visit of the lawyer with his client. However, he says that his client is aggrieved with the impugned order dated 27<sup>th</sup> December, 2023 as the same has been passed not in consideration of the attending facts and circumstances as well as in contravention of the law as envisaged under Section 41D of the Code of Criminal Procedure.

An affidavit of service has been submitted in court today showing due service of notice to the opposite party i.e., Enforcement Directorate regarding pendency of the present revisional application before the Vacation Bench of

Calcutta High Court. However, none appears on behalf of the opposite party when the matter has been taken up.

The Magistrate in the impugned order had opined that the right as accrued to the accused persons under Section 41D Cr.PC, has already been exercised by him to and there would be no further scope for him to avail the opportunity as prayed before it vide his prayer dated 26-12-2023. However, in considered opinion of this court that is a wrong proposition on which the Magistrate has proceeded with and the same is de hors the law and cannot be sustained. This court finds it proper to dispose of this revisional application by setting aside the order of the learned magistrate dated 27-12-2023. Further directions are being made that the maximum of two of learned lawyers representing the accused person shall meet the accused person everyday during the remand period, for one hour on each day.

With the aforesaid directions, the revisional application being CRR 5028 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Rai Chattopadhyay, J.]

