

ITEM NO.7

COURT NO.4

(OUT TODAY)
SECTION XVIS U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CIVIL) Diary No(s). 29780/2023

(Arising out of impugned final judgment & order dated 25-07-2023 in WPA No. 22203/2022 25-07-2023 in WPA No. 22203/2022 26-07-2023 in WPA No. 22203/2022 passed by the High Court At Calcutta)

MANIK BHATTACHARYA

Petitioner(s)

VERSUS

ANUPAM PAL & ORS.

Respondent(s)

IA No. 149828/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 149829/2023 - EXEMPTION FROM FILING O.T.
IA No. 149830/2023 - PERMISSION TO FILE LENGTHY LIST OF DATES
IA No. 149821/2023 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 03-08-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Kumarpal R Chopra, Adv.
Ms. Diksha Rai, AOR
Mr. Vishesh Kalra, Adv.
Ms. Ragini Pandey, Adv.
Mr. Arijit Dey, Adv.

For Respondent(s) Mr. Jaideep Gupta, Sr. Adv.
Mr. Kunal Chatterji, Adv.
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Mr. Kshitij Singh, Adv.
Mr. Kunal Cheema, AOR

Ms. Astha Sharma, AOR
Mr. Srisatya Mohanty, Adv.

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UPON hearing the counsel the Court made the following
O R D E R

Heard the learned counsel for the petitioner(s).

This petition is taken up since the matter was moved before the Hon'ble the Chief Justice of India and the petition has been assigned to this Bench.

In that background, we have heard the learned counsel for the petitioner who has taken us through the petition papers, more particularly with regard to writ proceedings in W.P.A. No. 22203/2022 to point out the parties to the said petition therein and the prayer as made therein which would arise for consideration for the Court when the Writ Petition is ultimately taken up.

In that circumstance, it is also brought to our notice the orders dated 25.07.2023 and 26.07.2023 to point out that despite the petitioner not being a party to the said writ petition, certain adverse orders are passed against the petitioner without opportunity of hearing to the petitioner herein. Such order would also include interrogation against the petitioner by the Central Bureau of Investigation (CBI) and the very manner in which the investigation would be made is also regulated by the learned Judge.

Further, it is pointed out that the direction in the order dated 26.07.2023 would also indicate that in the process of such

investigation, the same is to be videographed and the videograph

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of the same is to be produced to the Court which would be viewed on 03rd August, 2023 at 03:30 p.m. i.e. today in the presence of others.

In that regard, it is pointed out that considering the large number of petitioners as also the respondents in the said writ proceedings and the learned counsel representing the parties, the right of the petitioner herein would be seriously prejudiced. It is the said direction fixing a time today at 03:30 p.m. which was the urgency for the petitioner to move the petition and therefore, this petition was taken up out of turn.

In a matter of the present nature, when it is evident that the petitioner is not a party to the said writ proceedings and certain orders have been made to his detriment, in any event, before this Court ultimately decides the said matter no further prejudice shall be caused to the petitioner.

In that view, the orders dated 25.07.2023 and 26.07.2023 and further proceedings thereto shall remain stayed. However, in so far as the W.P.A. No.22203/2022 on the subject matter involved therein, there is no impediment to proceed as against the parties who are arrayed as the petitioners and respondents therein.

Since, we have already taken note that the petition is ordered to be listed at 03:30 p.m. today i.e. 03rd August, 2023

before the High Court and the urgency involved for which the SLP(C) Diary No. 29780/2023 petition was moved, we request the Secretary General of this Court to communicate the order to the Registrar General of the High Court of Calcutta who shall place the order of the Court before the concerned judge immediately thereafter.

Application for permission to file Special Leave Petition is allowed.

Ms. Astha Sharma, learned AOR accepts notice on behalf of respondent No. 7.

Mr. Kunal Chatterji, learned AOR accepts notice on behalf of respondent Nos. 9,10 & 11. There is no need to issue formal notice to respondent Nos. 7, 9, 10 & 11.

Issue notice to the remaining respondents.

At this stage, learned counsel for the petitioner seeks leave to carry out certain corrections in the petition papers. He is permitted to do so.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
ASSISTANT REGISTRAR