

14-06-2021

Item no.11
Subrata

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IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

CRR No.1352 of 2021

Suwendu Adhikari & Anr.

-vs-

The State West Bengal & Anr.

Mr. P.S. Patwalia, sr. adv.

Mr. Sekhar Kumar Basu, sr. adv.

Mr. Sourav Chatterjee, adv.

Mr. Billwadal Bhattacharjee, adv.

Ms. Bansari Swaraj, adv.

Mr. Siddhesh Kotwal, adv.

Ms. Manya Harija, adv.

Ms. Harshika Verma, adv.

Mr. Aditya Tiwari, adv.

...for the petitioners

Mr. S.G. Mukherjee, Public Prosecutor

...for the State

Mr Patwalia, learned senior advocate, appears for the first petitioner while Mr Basu, learned senior advocate, represents the second petitioner.

Learned senior counsel has impressed upon involvement of the first petitioner in public life stating that he has been falsely implicated because of the fact that he has joined the rival political party and has subsequently been appointed as the Leader of the Opposition in the State Assembly.

Drawing the attention of this court to paragraph 9 of the application and the subsequent paragraphs which refers to information by way of general diary entry made at Contai police station regarding the same incident, he submits that the present FIR is not maintainable.

Learned senior advocate also submits that there has been other instances of political leaders being falsely implicated in a number of cases who are opposed to the ruling political party in power and running the State Government. He relies upon a judgement passed by this court in CRR No.730 of 2018 wherein the

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Hon'ble Judge held, inter alia, as follows:-

“Giving an anxious consideration to the facts and circumstances of the case, bearing in mind the rival contentions as advanced by the learned counsel of the parties and applying the principles of law as discussed in the foregoing paragraphs, this Court comes to the conclusion that the petitioner has been maliciously prosecuted with the false allegation of a cognizable offence at this distant point of time, for the FIRs being lodged belatedly after six years, may be to wreak vengeance by foisting false cases after cases against him.”

I have heard the arguments advanced by learned senior counsel who has emphasized on this court with a prayer for an interim order in respect of interference with the continuance of the proceedings or to stay the hands of the police in respect of the petitioners who are before this court in connection with the criminal proceedings which have been challenged.

Having regard to the fact of the case which relates to relief materials and the dictum of the Hon'ble Apex Court in the case of M/s. Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra & Ors. reported in 2021 SCC Online SC 315, I am not inclined to pass any interim order at this stage without perusal of the case diary and the materials collected by the investigating agency.

The interim order prayed for is refused at this stage. However, the petitioners will be at liberty to renew their prayer for interim order on the next date fixed for hearing.

Learned Public Prosecutor who is present in court is directed to produce the case diary on the next date.

Let the matter appear for consideration on June 22, 2021 before the available Bench.

The petitioners are directed to effect service upon learned Public Prosecutor in the meantime.

[Tirthankar Ghosh, J]

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