

05.04.2022
Item No.1.
Ct. No.11
KB/gsd.

MAT 490 of 2022
Dr Santi Prasad Sinha
-Versus-
Laxmi Tunga and ors.

Mr. Biswaroop Bhattacharjee
Mr. Dipayan Kundu
... For the Appellant.

Mr. Bikash Ranjan Bhattacharyya
Mr. Firdous Samim
Ms. Gopa Biswas
... For the Respondent/Writ Petitioner.

Mr. S. N. Mookherjee, Ld. A.G.
Mr. Anirban Ray
Mr. Bhaskar Prasad Vaisya
Mr. Supriya Chattopadhyay
Mr. Sandip Dasgupta
Mr. Raja Saha
Mr. Avirup Mitra
... For the State.

Mr. Kishore Datta
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
... WBCSSC.
Ms. Koyeli Bhattacharyya
... For the WBBSE.

Mr. Y. J. Dastoor, Ld. A.S.G.
Mr. Phiroze Edulji
Mr. D. Trivedi
Mr. B. Bhattacharyya
Mr. Samrat Goswami
... For the CBI.

Party/parties is/are represented in the order
of their name/names as printed above in the cause
title.

This appeal emanates from a bunch of appeals which have been already assigned before this Bench headed by one of us (Subrata Talukdar, J.) today.

This Court has been informed that the bunch of appeals were released by a Hon'ble Division Bench today and thereafter re-assigned before this Bench by the Note of the Hon'ble the Chief Justice, also today.

One of the appeals assigned is MAT 474 of 2022 concerning the present appellant. The present appeal, i.e. MAT 490 of 2022, emanates from an order passed today by the Hon'ble Single Bench in WPA 18585 of 2021, wherein issues are identical to MAT 474 of 2022 *inter se* the same parties.

Accordingly, with the consent of the parties MAT 490 of 2022 is treated as ready for formal adjudication pursuant to the leave granted for filing the appeal on the ground of urgency pleaded and without certified copy of the Order impugned (*supra*) dated 5th April, 2022.

The appellant through Mr. Biswaroop Bhattacharjee, Learned Counsel, pleads urgency on the ground that in the face of earlier orders to the contrary of the concurrent Hon'ble Division Bench read with the order of re-assignment of identically

circumstanced appeals before this Bench today, including MAT 474 of 2022, the Hon'ble Single Bench has directed the appellant, i.e. Dr. Santi Prasad Sinha, to be present before the Central Bureau of Investigation (*CBI*) at 3 P.M. today for further interrogation.

The Hon'ble Single Bench has further directed that the *CBI* should start interrogating the appellant from the point the *CBI* last stopped the interrogation and, even granted *CBI* the option of custodial interrogation of the appellant.

Learned Counsel for the other appearing parties are represented, including the Private Respondent/the Writ Petitioner and *CBI* through the Learned Additional Solicitor-General.

After hearing the parties and considering the materials placed, at this stage, this Court limits its attention to the requirement of custodial interrogation as directed by the Hon'ble Single Bench.

This Court is of the view that the order of the Hon'ble Single Bench requires to be modified at this stage only to the extent that the appellant shall present himself for interrogation as directed and the *CBI* would act in terms of the order of the Hon'ble

Single Bench without however taking recourse to custodial interrogation of the appellant.

This Court would next consider the appeals on their respective merits.

Needless to dilate this order will axiomatically cover, if and as applicable, other *identically* circumstanced persons as the appellant.

It is further needless to elaborate that, in the event the appellant fails to present himself for interrogation before the *CBI* as directed by the Hon'ble Single Bench, the *CBI* shall be entitled to take recourse to steps in accordance with law.

All parties to act on a gist of the communication of this order.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

(Krishna Rao, J.)

(Subrata Talukdar, J.)