

ITEM NO.19

Court 5 (Video Conferencing)

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) Nos.1620-1621/2021

(Arising out of impugned final judgment and order dated 12-02-2021 in CAN No.1/2021 12-02-2021 in CAN No.1/2021 passed by the High Court at Calcutta)

ANUP MAJEE

Petitioner(s)

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.26120/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT 31507/2021 INTERVENTION/IMPLEADMENT 31510/2021 EXEMPTION FROM FILING AFFIDAVIT)

WITH S.L.P.(Cr1) No.1787/2021 (II-B)

(With appln.(s) for I.R. and IA No.28752/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.28751/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

S.L.P.(Cr1) No.2076/2021 (II-B)

(With appln.(s) for IA No.33604/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.33605/2021-EXEMPTION FROM FILING AFFIDAVIT)

Diary No.6765/2021 (II-B)

(With appln.(s) for IA No.38216/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.38212/2021-EXEMPTION FROM FILING O.T. and IA No.38214/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.38211/2021-PERMISSION TO FILE SLP)

Date : 25-03-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Siddhartha Dave, Sr. Adv.
Mr. Sabir Ahmed, Adv.
Ms. Jaikriti S. Jadeja, AOR
Ms. Jemtiben Ao, Adv.
Ms. Devanshi Singh, Adv.
Mr. Rakib, Adv.

SLP 2076/2021 Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Amit Bhandari, Adv.
Mr. Chitralkha Das, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv.
M/s. Plr Chambers and Co.

Diary 6765/2021 Mr. Harish N Salve, Sr. Adv.
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For Respondent(s) Mr. Tushar Mehta, SG
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Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Amit Bhandari, Adv.
Mr. Chitralkha Das, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv.
M/s. Plr Chambers and Co.

Mr. Harish N. Salve, Sr. Adv.
Mr. Kaustubh Shukla, AOR

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

- 1 The Court will be in recess commencing from 28 March 2021 until 4 April 2021. As a result of the forthcoming recess, it would not be possible for the Court to finally hear and dispose of the present proceedings, before 5 April 2021.
- 2 This Court has been moved under Article 136 of the Constitution in a batch of cases both against the orders of the Single Judge of the Calcutta High Court and of the Division Bench in appeal. The Special Leave Petitions against the orders of the Single Judge have been filed because in the event that it is held that the Letters Patent Appeals before the Division Bench were not maintainable, the order of the Single Judge would be amenable to a challenge before this Court. A challenge to the jurisdiction of the Central Bureau of Investigation to investigate an offence falling within the territory of the State of West Bengal has been raised on behalf of some of the petitioners.
- 3 On the other hand, the learned Solicitor General has sought to support the exercise of jurisdiction, notwithstanding the withdrawal of consent by the State of West Bengal on 16 November 2018, under the provisions of the Delhi Special Police Establishment Act.
- 4 At this stage, since the Court would not be in a position to conclude arguments before the ensuing recess, an ad-interim protection is necessary to safeguard the liberty of the petitioner until the proceedings are heard.
- 5 Conditional on the petitioner (Anup Majee) joining in the investigation before the Central Bureau of Investigation and cooperating in the investigation, we direct that he shall not be arrested until 6 April 2021. This order has been passed without the Court expressing any opinion on the merits of the rival contentions, as a *pro-tem* direction in view of the ensuing recess. This order shall not operate as a restraint on the investigation in the meantime. All the

rights and contentions of the parties are kept open to be considered when the proceedings are taken up on 6 April 2021.

- 6 List the Special Leave Petitions on 6 April 2021 for hearing and final disposal, immediately after the fresh matters.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master