

ITEM NO.15                      Court 4 (Video Conferencing)                      SECTION II-B

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (Crl.) No.9251/2021**

**(Arising out of impugned final judgment and order dated 06-09-2021  
in WPA No.11803/2021 passed by the High Court at Calcutta)**

**THE STATE OF WEST BENGAL**

**Petitioner(s)**

**VERSUS**

**SUVENDU ADHIKARI & ORS.**

**Respondent(s)**

**(With appln.(s) for I.R. and IA No.156024/2021-EXEMPTION FROM  
FILING C/C OF THE IMPUGNED JUDGMENT and IA No.156022/2021-  
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**WITH S.L.P.(Crl) No.9408/2021 (II-B)**

**(With appln.(s) for I.R. and IA No.158497/2021-EXEMPTION FROM  
FILING C/C OF THE IMPUGNED JUDGMENT and IA No.158498/2021-EXEMPTION  
FROM FILING AFFIDAVIT and IA No.158496/2021-PERMISSION TO FILE  
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**Date : 13-12-2021 These petitions were called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE A.S. BOPANNA**

**For Petitioner(s)**      **Mr. Kalyan Banerjee, Sr. Adv.  
Ms. Meneka Guruswamy, Sr. Adv.  
Mr. Suhaan Mukerji, Adv.  
Mr. Vishal Prasad, Adv.  
Mr. Chitralekha Das, Adv.  
Mr. Yash S Vijay, Adv.  
Mr. Sayandeep Pahari, Adv.  
M/s. Plr Chambers & Co.**

SLP(Cr1) 9408/2021	Mr. Anand Grover, Sr. Adv. Ms. Astha Sharma, AOR Ms. Mantika Haryani, Adv.
For Respondent(s)	Mr. Harish Salve, Sr. Adv. Ms. Bansuri Swaraj, Adv. Mr. Siddhesh Kotwal, Adv. Ms. Manya Hasija, Adv. Ms. Pragya Barsaiyan, Adv. Mr. Rajdeep Majumder, Adv. Mr. Sourav Chatterjee, Adv. Mr. Billwadal Bhattacharya, Adv. Mr. Nirnimesh Dube, AOR
SLP(Cr1) 9408/2021	Mr. P.S Patwalia, Sr. Adv. Ms. Bansuri Swaraj, Adv. Mr. Siddhesh Kotwal, Adv. Ms. Manya Hasija, Adv. Ms. Pragya Barsaiyan, Adv. Mr. Rajdeep Majumder, Adv. Mr. Sourav Chatterjee, Adv. Mr. Billwadal Bhattacharya, Adv. Ms. Harshika Verma, Adv. Mr. Nirnimesh Dube, AOR
SLP(Cr1) 9408/2021	Ms. Meneka Guruswamy, Sr. Adv. Mr. Suhaan Mukerji, Adv. Mr. Vishal Prasad, Adv. Mr. Chitralekha Das, Adv. Mr. Yash S Vijay, Adv. Mr. Sayandeep Pahari, Adv. M/s. Plr Chambers & Co.

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

- 1 The Special Leave Petitions under Article 136 of the Constitution arise from an interim order dated 6 September 2021 of a Single Judge of the High Court at Calcutta in WPA No 11803 of 2021. The Single Judge has permitted affidavits-in-opposition to be filed within a period of four weeks and the reply, if any, to be filed within two weeks thereafter. As of date, the State of West

Bengal and the Investigating Officer are yet to file their replies.

- 2 The *prima facie* observations of the High Court at this stage are in support of the ad - interim stay which has been granted. Since the High Court is seized of the proceedings, and the Special Leave Petitions arise from an interlocutory order, we are not inclined to exercise the jurisdiction of this Court under Article 136 of the Constitution.
- 3 We, however, leave it open to the petitioners to file their affidavits-in-opposition before the High Court. Thereafter, the High Court may either consider taking up the petition under Article 226 of the Constitution for expeditious final disposal or, in the event that it is not possible to do so, to consider any application that may be filed for modification of the interim order based on the material which is produced by the Investigating Officer in the affidavit-in-opposition.
- 4 This Court has not expressed any final opinion on the merits of the issues which will arise in the pending writ petition before the High Court.
- 5 Subject to the aforesaid directions, the Special Leave Petitions are disposed of.
- 6 Pending applications, if any, stand disposed of.

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

**(SAROJ KUMARI GAUR)**  
**Court Master**