

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

Writ Petition(s)(Criminal) No(s). 3/2020

PINTU MADANMOHAN MONDAL

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

(IA No. 131202/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 248926/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 178706/2019 - STAY APPLICATION)

Date : 24-10-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s)

Mr. Gaurav Bhatia, Sr. Adv.
Mr. Ashutosh Kumar Sharma, AOR
Mr. Deep Narayan Sarkar, Adv.
Mr. Utkarsh Jaiswal, Adv.
Mr. G P Mahto, Adv.
Ms. Ayushi Mittal, Adv.

For Respondent(s)

Mr. Harin P. Raval, Sr. Adv.
Mr. Ashok Kumar Panda, Sr. Adv.
Mr. Chanchal Kumar Ganguli, AOR
Mr. Raja Chatterjee, Adv.
Ms. Bhabani Sarkar, Adv.
Mr. Wasim Rony, Adv.

Mr. Devesh Tripathi, Adv.
Mr. Faraz Anees, Adv.
Mr. Mukeshwar Nath Dubey, Adv.
Mr. Ravi Kumar, Adv.
Mr. Ashish Parashar, Adv.
Mr. Praveen Swarup, AOR

Ms. Devina Sehgal, AOR
Mr. Vineet George, Adv.

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

On 3rd October, 2024, two learned senior advocates of this Court appeared in this petition and after they argued the matter for some time, we pointed out various flaws in the prayer clauses and the fact that though the petitioner is praying for transfer of investigation of several cases, in most of the cases, the petitioner has applied for quashing before the High Court and those petitions are pending. After some arguments, time was sought to take instructions. Yesterday, another senior counsel appeared who wanted longer adjournment which we declined and directed to list the matter today. Today, the fourth senior counsel is engaged by the client.

It is not the case that the learned senior counsel who argued the matter and who took time to take instructions are not available. There are cases and cases when we are not satisfied about the merits, instead of dismissing the petitions, we grant time to the counsel to take instructions. Members of the Bar very well know what instructions the advocates are supposed to take. Therefore, we do not endorse this practice adopted by the petitioner. Even if due to exigencies, a new counsel is engaged, he ought to state the instructions received. He cannot re-argue the case.

Nevertheless, we have heard the learned senior counsel appearing for the petitioners for 15 minutes. Thereafter, the learned senior counsel states that the petitioner wants to withdraw the petition with liberty to file appropriate proceedings in the High Court regarding Arambagh PS Case No.156 of 2021 dated 3rd May, 2021.

We, accordingly, dismiss the Writ Petition as withdrawn with liberty as prayed.

We make it clear that all contentions of the parties in the pending proceedings before the High Court are expressly kept open.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER