

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRL.) NO.2259 OF 2017

SUVENDU ADHIKARY ... PETITIONER(S)

VS.

UNION OF INDIA & ORS. ... RESPONDENT(S)

WITH

SLP(CRL.)NOS.2261/2017 & 2279-2281/2017

O R D E R

SLP(Crl.)Nos.2259 & 2261 of 2017 :

1. We have perused the impugned order dated 17.03.2017, with the able assistance of the learned counsel for the petitioners. Having perused the same it emerges, that the High Court took into consideration the material which was placed before it, and directed that a preliminary inquiry be held by the Central Bureau of Investigation. We find no infirmity with the determination rendered by the High Court.

2. We are also satisfied, that the rights of the petitioners are fully protected, inasmuch as, in case an adverse finding is recorded in the preliminary inquiry, whereupon, a First Information Report is required to be

registered, the petitioners will have ample opportunity to assail the validity thereof, in case they are so advised, in consonance with law.

3. In spite of having not interfered with the impugned order, we are also satisfied, that the investigating agency should be permitted to carry out its obligation unfettered. We therefore, hereby direct, that all the inferences and conclusions, as have been recorded by the High Court in paragraphs 65 to 68 of the impugned order, shall not weigh with the investigating agency, while recording its own independent conclusions, inasmuch as, the same are not relied upon.

4. We are also of the considered view, that the time-line indicated by the High Court in the impugned order, is rather harsh. We therefore relax the time-line, so as to require the Central Bureau of Investigation, to complete the investigation, within one month from the date when the impugned order was passed (i.e., with effect from 07.03.2017). In case the investigating agency needs further time to complete the investigation, it shall be open to the investigating agency, to move an appropriate application before the High Court, and seek extension of time.

5. The special leave petitions are disposed of in the above terms. Since the main petition is disposed of, pending applications shall also stand disposed of.

SLP(Crl.)Nos.2279-2281/2017 :

1. Mr. Mrinal Kanti Mandal, learned counsel, who is appearing on behalf of Mr. Parijat Sinha, learned Advocate-on-Record for the State of West Bengal, submits, that these special leave petitions have been filed by the State of West Bengal, wherein the same impugned order dated 17.03.2017 has been assailed, with reference to which we have passed our final order today, in SLP(Crl.)No.2259/2017 (Suvendu Adhikary Vs. Union of India & Ors.) and connected petition. We are of the view, that on merits, the instant petitions could be disposed of in the same terms.

2. It is however pertinent to notice, that these special leave petitions raise inter alia, the following additional grounds :

"O. Because the Hon'ble High Court has pre-judged the entire issue and the enquiry and/or investigation by any investigating agency, would be perfunctory;

P. Because the findings arrived at by the Hon'ble High Court are perverse and without any material basis;

Q. Because the Hon'ble High Court has clearly developed a pre-conditioned mind set as it

has come to a conclusion that certain members of a political party are persons and an IPS officer of doubtful integrity and they have committed crimes affecting the society at large;

- R. Because the Hon'ble High Court had developed a bias with respect to the entire issue and such bias has been clearly actuated by telecast in the news channel;
- S. Because the Hon'ble High Court transgressed all its constitutional limits by casting unwarranted aspersion on the functioning of the state machinery without any rhyme or reason;
- T. Because the Hon'ble High Court's directions contained in the impugned judgment to conclude the preliminary enquiry within 72 hours upon receipt of the materials, is an expression of judicial activism;"

3. Having perused the aforesaid grounds, we are satisfied, that the grounds extracted above, have transgressed the propriety of reasonable pleading. They are most unfortunate and call for an outright rejection. We order accordingly.

4. Learned counsel representing the State of West Bengal however states, that he be permitted to withdraw the special leave petitions. He also expresses his willingness to record an unqualified apology, on his behalf, for raising the grounds extracted hereinabove. We accept the apology tendered by the learned counsel, and place the same on the record of the case.

5. In the light of the submission made by the learned counsel, the instant special leave petitions are permitted to be dismissed as withdrawn.

.....CJI.
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
21st March, 2017.

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 (Crl.) No(s).2259/2017

(Arising out of impugned final judgment and order dated 17/03/2017 in WP No.5243/2016 passed by the High Court Of Calcutta)

SUVENDU ADHIKARY

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment and interim relief)

WITH

SLP(Crl.)No.2261/2017

(With appln.(s) for exemption from filing c/c of the impugned Judgment and interim relief)

SLP(Crl.)Nos.2279-81/2017

Date : 21/03/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Rana Mukherjee, Sr. Adv.
Mr. Bilwadal Bhattacharya, Adv.
Mr. Kunal Chatterji, Adv.
Ms. Maitrayee Banerjee, Adv.
Mr. Amit Bhandari, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Siddhath Luthra, Sr. Adv.
Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Zoheb Hossain, Adv.

For Respondent(s) Mr. Harish N. Salve, Sr. Adv.
Mr. Vikramjit Banerjee, Sr. Adv.
Mr. Partha Ghosh, Adv.
Ms. Sangeeta Mandal, Adv.
Mr. Abhishek Sarkar, Adv.

Mr. Bikash Ranjan Bhattacharjee, Sr. Adv.
Mr. Rabishankar Chattopadhyay, Adv.
Mr. Anindya Sundar Das, Adv.

Mr. Dipak K. Nag,Adv.
Mr. Bijan Kumar Ghosh,Adv.
Mr. Abhisekh Sakkar,Adv.
Mr. Joydeep Mukherjee,Adv.
Mr. Snehasish Mukherjee,Adv.

Mr. Bikas Ranjan Bhattacharya,Sr.Adv.
Mr. Ashok Bhan,Sr.Adv.
Mr. Subhashish Bhowmick,Adv.
Mr. Rabi Sankar Chattopadhyay,Adv.
Mr. Anindya Sundar Das,Adv.
Mr. Goly Gopal,Adv.

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

SLP(Crl.)Nos.2259 & 2261 of 2017 :

The special leave petitions are disposed of in terms of the signed order. Pending applications stand disposed of.

SLP(C)Nos.2279-2281/2017 :

Taken on board.

The special leave petitions are dismissed as withdrawn in terms of the signed order. Pending applications stand disposed of.

(Sarita Purohit)
Court Master

(Renuka Sadana)
Assistant Registrar

(Signed order is placed on the file)