

ITEM NO.39

Court 6 (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 (Cr1.) No(s).1620-1621/2021**

**(Arising out of impugned final judgment and order dated 12-02-2021 in CAN No. 1/2021 in MAT No 158 of 2021 and CAN No. 1/2021 in MAT No 167 of 2021 passed by the High Court at Calcutta)**

**ANUP MAJEE****Petitioner(s)****VERSUS****THE CENTRAL BUREAU OF INVESTIGATION & ORS.****Respondent(s)**

**(WITH I.R. and IA No.26120/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**Date : 22-02-2021 These petitions were called on for hearing today.**

**CORAM :****HON'BLE DR. JUSTICE D.Y. CHANDRACHUD****HON'BLE MR. JUSTICE M.R. SHAH****For Petitioner(s)**

**Mr. Mukul Rohatgi, Sr Adv.**  
**Mr Siddhartha Dave, Sr. Adv.**  
**Mr Sabir Ahmed, Adv.**  
**Ms. Jaikriti S. Jadeja, AOR**  
**Ms Devanshi Popat, Adv.**

**For Respondent(s)**

**Dr. Abhishek Manu Singhvi, Sr. Adv.**  
**Mr. Suhaan Mukerji, Adv.**  
**Mr. Vishal Prasad, Adv.**  
**Mr. Amit Bhandari, Adv.**  
**Ms. Chitralekha Das, Adv.**  
**Mr. Nikhil Parikshith, Adv.**  
**Mr. Abhishek Manchanda, Adv.**  
**Mr. Sayandeep Pahari, Adv.**

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

- 1 Mr Mukul Rohatgi, learned Senior Counsel appearing on behalf of the petitioner, submits that:

- (i) The reliefs which were sought in the Writ Petition (WPA 10457 of 2020) which was filed invoking Article 226 of the Constitution were for quashing the FIR and the subsequent investigation as being *ultra vires* Section 6 of the Delhi Special Police Establishment Act 1946;
- (ii) The order of the learned Single Judge dated 3 February 2021 (Annexure P-10) was not amenable to an intra-Court appeal, having regard to the provisions of clause 25 of the Letters Patent of the High Court; and
- (iii) The position has been clarified in several decisions of this Court, including **Ram Kishan Fauji v State of Haryana<sup>1</sup>**.
- 2 Issue notice to the first and third to fifth respondents, returnable on 1 March 2021.
- 3 Dr Abhishek Manu Singhvi, learned Senior Counsel appearing on behalf of the State of West Bengal, waives service.
- 4 Liberty to serve the Central Agency, in addition.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**