

**17.08.2022**  
**Sl. No.06**  
**Ct.No.42**

**IA No:CRAN/1/2022**  
**In**  
**CRR 1086 of 2022**

**Dr. Nirmal Maji**  
**Vs.**  
**Dr. Kunal Saha**

For the petitioners :

Mr. Biplab Guha, Adv.,  
Mr. Saibalendu Bhowmick, Adv.,  
Mr. Rajsekhar Basu, Adv.,  
Mr. Avik Ghatak, Adv.,  
Mr. Soham De Dhara, Adv.

For the Registrar (Judicial Service) :

Mr. Saikat Banerjee, Adv.,  
Ms. Juin Dutta Chakraborty, Adv.,

For the State :

Mr. Imran Ali, Adv.,  
Ms. Debjani Sahu, Adv.

For the Respondent No.1 :

Dr. Kunal Saha (in person)

In terms of the order dated 29<sup>th</sup> July, 2022, the Registrar (Judicial Service) has filed a report stating, inter alia, that the judgment dated 29<sup>th</sup> July, 2022 was placed before the Hon'ble The Chief Justice and the Hon'ble The Chief Justice has been pleased to direct to place the matter before the Administrative Committee in the next meeting and the matter is awaiting decision of the Administrative Committee since then.

This pertains to establishment of a special court in the rank of Judicial Magistrate to dispose of the pending cases against the elected MLAs and MPs in the State of West Bengal in terms of the direction issued by the Hon'ble Supreme Court on 24<sup>th</sup> November, 2021 in IA No.149484/2021 in Writ Petition (Civil) No.699 of 2016 (Ashwiani Kumar Upadhyay vs. Union of India & Anr.). In the order dated 29<sup>th</sup> July, 2022 this Court held that on receipt of report of the Registrar (Judicial Service), High Court, Calcutta this Court will consider as to whether by passing a judicial order, a court of the learned Judicial Magistrate First Class would be designated as a special court to try the said class of cases.

When it is found from the report of the Registrar Judicial Service, High Court, Calcutta dated 16<sup>th</sup> August, 2022 that the Administrative Committee of this Court will consider establishment of the court of the learned Judicial Magistrate of First Class as a specially designated court to try the pending cases against elected MLAs and MPs in the State of West Bengal, this court refrains from passing any order directing establishment of a specially designated court to try the said class of cases.

It is urged by Dr. Kunal Saha, the opposite party herein that he is overstaying in this country since August, 2021 for the purpose of this case only due to the reason

that a court of the learned Judicial Magistrate First Class has not been designated by the High Court as per the order of the Hon'ble Supreme Court dated 24<sup>th</sup> November, 2021.

Therefore, it is expected that the High Court in its administrative power will designate a court of the learned Magistrate First Class as the special court without further delay.

It is submitted by Dr. Kunal Saha, opposite party No.1 that in the order dated 29<sup>th</sup> July, 2022 his name has not been recorded inadvertently.

It is noted that Dr. Kunal Saha, opposite party No.1 contested the revisional application in person. His appearance is thus recorded.

**(Bibek Chaudhuri, J)**