

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION**

PRESENT:

**THE HON'BLE JUSTICE TIRTHANKAR GHOSH**

**C.R.R. 1349 of 2021  
(Via Video Conference)**

***Vinay Mishra***

***-vs.-***

***The Central Bureau of Investigation & Ors.***

For the Petitioner : Dr. Abhishek Manu Singhvi, Sr. Adv.,  
Mr. Siddhartha Luthra, Sr. Adv.,  
Mr. Sandipan Ganguly, Sr. Adv.,  
Mr. Sabyasachi Banerjee, Adv.,  
Mr. Ayan Bhattacharjee, Adv.,  
Mr. Ayan Poddar, Adv.,  
Mr. Aman Sharma, Adv.,  
Ms. Sunita Naskar, Adv.,  
Ms. Moumi Yasmin, Adv.

For the CBI : Mr. Y. J. Dastoor, Ld. A.S.G.,  
Mr. Phiroze Edulji, Adv.,  
Mr. Samrat Goswami, Adv.

For the State : Mr. Kishore Datta, Ld. Adv. General,  
Mr. S. G. Mukherji, Ld. P.P.,  
Mr. Ranabir Roy Chowdhury, Adv.

Heard on : 09.06.2021, 10.06.2021, 15.06.2021,  
19.06.2021, 21.06.2021, 22.06.2021,  
23.06.2021, 30.06.2021, 02.07.2021,  
06.07.2021, 09.07.2021 & 14.07.2021

Judgment on : 28.07.2021

**Tirthankar Ghosh, J:-**

This revisional application has been preferred challenging the proceedings relating to case No. RC0102020A0022 dated 27.11.2020 under Sections 120B/409 of the Indian Penal Code read with Sections 13(2)/13(1)(a) of the Prevention of Corruption Act, 1988 (hereinafter referred to as 'P.C. Act' ) pending before the learned Special Judge, C.B.I. (Special) Court of Paschim Bardhaman at Asansol.

The complaint which is the basis of the First Information Report is fully extracted below:

"Information received from reliable sources has revealed that illegal excavation and theft of coal is being done by criminal elements from the leasehold area of ECL in active connivance of the officials of ECL, CISF, Indian Railways and concerned other departments. During the Joint Inspection conducted by Vigilance Department and Task Force of ECL on several leasehold areas of ECL from May, 2020 and onwards, evidence of extensive illegal mining in the leasehold area of ECL and its transportation was found. The team found several machineries which were used for excavating coal from illegal mining. During these inspections, a large

number of vehicles and equipments used in illegal coal mining / its transportation and illegally excavated coal have been seized. Several instances of installation of illegal weigh bridges in concrete form were also detected which confirms of illegal coal mining and transportation from ECL areas in organized manner at a very large scale. It is further revealed by the source that illegal mining is going on at the leasehold area of ECL behind Topsi village under Kunustoria Area and at Lachhipur Village under Kajora Area by the coal mafias in active connivance with officials of ECL and those of CISF.

It is learnt that during departmental raids on 07.08.2020 at 1 No. Railway Siding of Pandaveswar area, 9.050 MT of stolen coal was recovered and seized. Seizure of stolen coal was made from several other Railway locations as well. It is learnt that this illegal activity is being run at Railway sidings by the criminals with active connivance of unknown Railway officials.

It is further learnt that as per the Standard Operating Procedure for Action Plan – Illegal Mining and coal theft dated 08.08.2020 of CIL, “the main role of all the raids and actions to be taken is of the Area Security Officer/Area Security In-Charge, Area Authorities under the respective Chief of Security, ECL and under Area General Managers.”

Information has also been received that Shri Amit Kumar Dhar (A-1), was the General Manager, Eastern Coalfield Limited (ECL) Kunustoria Area (presently General Manager, Pandaveswar Area), and Shri Dhananjay Rai (A-4), ASI is the Area Security Inspector, Kunustoria, ECL. It is also learnt from

the source that Shri Jayesh Chandra Rai (A-2), is the General Manager, Kajora Area and Shri Debashish Mukherjee (A-5), SSI, is the Security In-Charge, Kajora Area, ECL. Shri Tanmay Das (A-3) is the Chief of Security, ECL who is in overall charge to check and prevent illegal mining in ECL area. A large number of instances of illegal coal mining have been reported from their area with their active connivance.

Information has also revealed that Shri Anup Maji @ Lala (A-6) is one of the main organizers for most of the illegal mining at ECL area and transportation of illegal excavated / stolen coal. He is running the above activities in connivance with the aforesaid public servants and those public servants are allowing him to misappropriate the government property i.e. coal from the leasehold area of ECL.

From the above facts and circumstances, it appears that illegal coal mining in the ECL lease hold area is going on along with theft of coal from Railway sidings in an organized manner and above said officials of ECL, Security Officers of ECL & CISF in connivance with unknown officials of Railway and other public servants allowed Shri Anup Maji @ Lala (A-6) and other unknown private persons to misappropriate the national property entrusted to them and by this way the aforesaid public servants have committed criminal breach of trust of the property entrusted to them.

The above facts disclose commission of a cognizable offence. Hence, a regular case is registered against (i) Shri Amit Kumar Dhar (A-1), the then General Manager, Kunustoria Area (now working as General Manager, Pandaveswar Area), ECL, (ii) Shri Jayesh Chandra Rai (A-2), General

Manager, Kajora Area, ECL, (iii) Shri Tanmay Das (A-3), Chief of Security, ECL, Asansol, (iv) Shri Dhananjay Rai (A-4), ASI, Area Security Inspector, Kunustoria, ECL, (v) Shri Debashish Mukherjee (A-5), SSI, Security In-Charge, Kajora Area, ECL, (vi) Shri Anup Maji @ Lala (A-6), Private person and unknown official of ECL, CISF, Indian Railways and other department and unknown private persons u/s 120B, 409 of IPC and section 13(2) r/w 13(1)(a) of P.C. Act, 1988 [as amended by the P.C(Amendment), Act, 2018] and endorsed to Shri Umesh Kumar, ASP, CBI, ACB, Kolkata for investigation.”

Dr. Abhishek Manu Singhvi, learned senior advocate appearing for the petitioner at the inception relied on series of dates which are as follows:

- a) RC Case No. 19 was registered on 21.09.2020.
- b) RC Case No. 22 was registered on 27.11.2020.
- c) The petitioner left the country on 16.09.2020.
- d) The petitioner filed an application for renunciation of his citizenship on 19.12.2020.
- e) The petitioner surrendered his passport on 22.12.2020.
- f) Searches were carried out by the CBI at the residence of the brother of the petitioner on 30.12.2020.
- g) The first charge-sheet in connection with the instant case was submitted on 06.02.2021. The petitioner was neither named in the charge-sheet nor his name was appearing in the FIR.

- h) Court took cognizance of the offences on 08.02.2021 and the second charge-sheet was submitted on 24.02.2021 wherein for the first time, the petitioner's name appeared as an accused.

The learned senior advocate in this case emphasized on a factual aspect that Pandaveswar Railway Siding is not to be interpreted as "Railway Land" so as to include the same within the ambit of the term "Railway Area" used in Section 6 of the Delhi Special Police Establishment Act, 1946 (hereinafter referred to as "DSPE Act") to confer jurisdiction upon the CBI in violation of the federal structure of the country as also the provisions of the said Act. Demonstrating the areas which should be included for the purposes of investigation, learned senior advocate contends that there are four sidings, viz., Shamlā, Purusotyampur, Madalboni and Hazratpur under Pandaveswar area and only Hazratpur siding belongs to the Railways and the other sidings belong to ECL under Pandaveswar area. The first information report is vague regarding the specific area where illegal excavation of coal has been carried out or recovered for the sole purpose of assuming jurisdiction. The petitioner also contends that the other areas which have been referred to in the FIR i.e. leasehold area of ECL beyond Topsis village under Kunustoria area and Lachhipur village under Kajora area belong to ECL and there was no reference of Railway Siding Area with regard to illegal mining being carried on over there. It is, therefore, contended that the place of recovery, being Pandaveswar Railway Siding, is not a railway area within the meaning of term "Railway Area" used in Section 6 of the DSPE Act and to that extent, the provisions of Section 2(32)

and 2(32A) of the Indian Railways Act, 1989 have been referred. Additionally, it has been submitted that place of alleged recovery of coal cannot confer territorial jurisdiction to an investigating agency. A reference has been made to Section 156(1) of the Code of Criminal procedure appearing in Chapter XII of the said Code and also to Sections 177 to 183 of the Criminal Procedure Code which deal with jurisdiction of the Criminal Courts in Inquiries and Trial.

The sum and substance of the contentions of the petitioner, so proposed before this Court, is that Railway Siding cannot confer jurisdiction upon the CBI to investigate the alleged offences in view of the consent granted by the State of West Bengal under Section 6 of the DSPE Act on 02.08.1989 having been withdrawn on 16.11.2018. While emphasizing withdrawal of the consent by the State of West Bengal, the learned senior advocate relied upon the following judgments :

- i. ***Kazi Lhendup Dorji Vs. Central Bureau of Investigation and Ors.*** reported in ***1994 Supp (2) SCC 116.***
- ii. ***Ms. Mayawati Vs. Union of India and Others*** reported in ***(2012) 8 SCC 106.***
- iii. ***State of West Bengal and Ors. Vs. Committee for Protection of Democratic Rights, West Bengal and Ors.*** reported in ***(2010) 3 SCC 571.***
- iv. ***M. Balakrishna Reddy Vs. Director, CBI, New Delhi*** reported in ***(2008) 4 SCC 409.***
- v. ***Subramanian Swamy Vs. Director, CBI and Anr.*** reported in ***(2014) 8 SCC 682.***
- vi. ***A.C. Sharma Vs. Delhi Administration*** reported in ***(1973) 1 SCC 726.***

By referring to the aforesaid judgments, it has been emphasized that conjoint reading of Sections 3, 5 and 6 of the DSPE Act would make it clear that the jurisdiction of the officers under the said Act is restricted to Union Territory/Railway area and beyond the said limit, they are to take consent of the said State for exercising powers of investigation.

To emphasize absence of the jurisdiction to empower CBI to register and investigate the RC case in West Bengal without obtaining consent from the State Government under Section 6 of the DSPE Act, the learned senior advocate relied on the following judgments :

- (i) ***Arun Kumar Vs. Union of India & Ors.*** reported in ***(2007) 1 SCC 732***,
- (ii) ***Corona Limited Vs. Parvathy Swaminathan & Sons*** reported in ***(2007) 8 SCC 559***,
- (iii) ***Management of Express Newspaper (P) Ltd. Vs. Workers & Ors.*** reported in ***AIR 1963 SC 569***.

The learned senior advocate also argued before this Court that enactment of the Railway Protection Force Act, 1957 and the Railway Property (Unlawful Possession) Act, 1966, which provide for constitution and regulation of armed forces of the Union for better protection of railway property, passengers and matters connected therewith, vest the power of investigation with the Railway Protection Force which should be the appropriate authority to investigate any matters of theft, pilferage etc. in connection with the Railways in terms of Section 8 of the Railway Property (Unlawful Possession) Act, 1966. This, according to the learned senior

advocate, is on the basis of the settled principles of law that wherever there is special statute the same would prevail over general statute. In support of his submissions, learned senior advocate relied on the following judgments :

- i) ***Navinchandra Steel Pvt. Ltd. Vs. SREI Equipments Finance Ltd.*** reported in ***2021 SCC Online SC 149***,
- ii) ***Sri Jagannath Temple Managing Committee Vs. Siddha Math & Ors.*** reported in ***(2015) 16 SCC 542***.

The learned senior advocate, by referring to different orders passed by the learned Special Judge as also the manner in which the investigation is proceeding, raised the issue as to whether the CBI is also governed by the Criminal Procedure Code and submitted that CBI Manual is not a creature of statute and cannot supersede the Criminal Procedure Code and it is only the CBI officials who are bound by the procedure referred in the said Manual. In support of such submissions, reliance has been placed on ***Lalita Kumari Vs. Government of U.P.*** reported in ***(2014) 2 SCC 1*** and ***Hemant Dhasmana Vs. Central Bureau of Investigation*** reported in ***(2001) 7 SCC 536***.

Another point which has been canvassed on behalf of the petitioner is that the petitioner being associated with a political party has been implicated falsely because of political vendetta and as such, registration of the FIR shows manifest *mala fide* in the proceedings which were orchestrated in order to punish the petitioner on account of his political choice. To this effect, reliance has been placed on ***State of Haryana Vs. Bhajan Lal*** reported in ***1992 Supp (1) SCC 335***.

Mr. Kishore Datta, learned Advocate General, appearing for the State submitted that the State of West Bengal having withdrawn the general consent, which was accorded on 02.08.1989 under Section 6 of the DSPE Act and was received by the CBI on 19.11.2018, the registration of the FIR on 27.11.2020 which was on a subsequent date, is in excess of its jurisdiction and authority. According to him, India is a federation of States, as Article 1(1) of the Constitution of India provides that India is an Union of States i.e. federation of States and every federation requires division of powers between the Centre and the State. He submitted that distribution of powers is legislative which is provided under Articles 245 to 255 and administrative which are provided under Articles 256 to 261. As per his submission legislative powers of the Parliament and the State Legislatures are provided under Articles 245 and 246 of the Constitution. He added that investigation is included within the word “police” in Entry 2 List II of VII Schedule as well as in Entry 1 of List II. Hence, investigation is a State subject under the Constitution. DSPE Act being a pre-Constitutional statute was enacted under Entry 39 of the Federal Legislation List which corresponds to Entry 80 of List I of VII Schedule of the Constitution of India.

The learned Advocate General submits that Section 5 of the DSPE Act extends powers of CBI beyond Union Territories. However, the said power under Section 5 of the DSPE Act is subject to Section 6 of the DSPE Act which speaks about consent of State being mandatory for exercise of powers under Section 5 of the DSPE Act. The starting words of Section 6 of the DSPE Act clearly state that “Nothing contained in Section 5 shall be deemed

to enable any member of DSP Establishment to exercise power and jurisdiction in any area in a State, without the consent of the Government of that State". He submitted that a plain reading of the statute reflects that the consent of the Government of the State is mandatory and necessary for exercising of powers and jurisdictions of CBI in any area of the State.

Additionally, he advances his argument that consent under Section 6 of the DSPE Act flows from the federal structure of the Constitution which is held to be a basic structure of our Constitution. Federalism being one of the basic structures of the Constitution and there being demarcation of legislative powers envisaged under Article 246 of the Constitution of India, consent of the State assumes importance. Thus, *de hors* consent of the State, the exercise of such power of CBI would be in absolute violation of Federal structure and against Article 246(3) of the Constitution, as police is a State subject. In order to substantiate his argument, he relied upon judgment of the Hon'ble Supreme Court in ***State of West Bengal & Ors. Vs. Committee for Protection of Democratic Rights & Ors.*** reported in **(2010) 3 SCC 571** (paragraphs 23 to 35, 37, 38, 40).

The other argument which has been canvassed before this Court by the State of West Bengal is that Section 6 of the DSPE Act was never challenged by CBI and as such, consent of the State Government is mandatory before exercising any power within the jurisdiction of the State and no other meaning can be attributed to Section 6 of the DSPE Act. Any action of investigation in State *de hors* consent of the Government of that State by CBI is not permitted by law and as such, is illegal and *non est* in

the eye of law. To that effect, learned Advocate General relied upon the judgments of the Hon'ble Supreme Court in ***Manohar Lal Sharma Vs. The Principle Secretary & Ors.*** reported in ***(2014) 2 SCC 532*** (paragraph 52) and ***M/S Fertico Marketing & Ors. Vs. Central Bureau of Investigation & Anr.*** reported in ***(2021) 2 SCC 525*** (paragraph 17).

Learned Advocate General emphasized that as the FIR/RC was registered without consent of the State of West Bengal much after the withdrawal of notification on 16.11.2018, the CBI cannot be allowed to take recourse to the date at which the preliminary enquiry was registered and as such, has no jurisdiction to investigate the offence so far as the present case is concerned. In support of his submission, learned Advocate General relied upon a judgment of the Hon'ble Supreme Court in ***Bhavesh Jayanti Lakhani Vs. State of Maharashtra & Ors.*** reported in ***(2009) 9 SCC 551*** (paragraphs 93 to 95, 98 to 100).

Learned Advocate General concluded his arguments by submitting that as the FIR/RC is nullity, all consequential steps, which followed, are *non est* in the eye of law.

Mr. Y. J. Dastoor, learned Additional Solicitor General, appearing for the CBI, submitted that once notification has been issued under Section 5(1) of the DSPE Act including the State of West Bengal therein, the Railway Area which forms part of the State is automatically included therein. If the State has withdrawn the consent for investigation of the cases under Section 6 of the DSPE Act, the same cannot be withdrawn with reference to the Railway Areas. Learned Additional Solicitor General referred to various

provisions of the Code of Criminal Procedure in terms of investigation, arrest and seizures. It has been stressed even a part cause of action can give rise to rightly invoke the jurisdiction of the CBI to register a case.

Lastly, it has been submitted that as the investigation of the case is still continuing, the FIR cannot be dissected.

The present revisional application was heard along with CRR 810 of 2021 and CRR 1270 of 2021. None of the parties raised question regarding the issue whether the allegations made in the FIR constitutes offences or not. The sole question which has been called upon to be answered is as follows:

Pursuant to the withdrawal notification dated 16.11.2018, whether the investigation by CBI in respect of FIR which was subsequently registered, is valid and legal?

On perusal of the records of this case, it reflects that the case was registered under the provisions of Sections 120B/409 of the Indian Penal Code and Section 13(2) read with Section 13(1)(a) of the P.C. Act, 1998 [as amended by the P.C. (Amendment) Act, 2018] and the genesis of the case related to the alleged offences being committed by the (i) General Manager, Kunustoria area, ECL, (ii) General Manager, Kajora area, ECL, (iii) Chief of Security, ECL, Asansol Area, (iv) Security Inspector, Kunustoria, ECL, Security In-Charge, Kajora area, ECL and also unknown Officials of ECL, CISF and Indian Railways. During the joint inspection conducted by Vigilance Department and Task Force of ECL on several leasehold areas of

ECL, evidence of extensive illegal mining in the leasehold area of ECL was found. It would not be out of place to state that Eastern Coal Fields Limited is a subsidiary of Coal India Limited which is a Government company. The officers referred to above would fall within the purview of Section 8(2) of the Central Vigilance Commission Act, 2003.

The Constitution Bench in the case of **Subramanian Swamy** (supra) while dealing with Section 6A of the DSPE Act was pleased to observe that there cannot be any rational basis which would entitle bureaucrats of Joint Secretary level and above, who are working with the Central Government should be protected under Section 6A of the DSPE Act while the same level of officers who are working in the State will not get such protection, though both classes of these officers are accused of an offence under the P.C. Act, 1988. Discrimination or differentiation must be based on pertinent and real differences, which are to be distinguished from irrelevant and artificial ones. In paragraph 70 of the said judgment it has been held that “*every public servant against whom there is a reasonable suspicion of commission of a crime or there are allegations of an offence under the PC Act has to be treated equally and similarly under Law.*”

A co-ordinate Bench of this Court in **Ramesh Chandra Singh and Another Vs. Central Bureau of Investigation** reported in **2020 SCC Online Cal. 586** after taking into consideration the relevant Entries in List II of VII Schedule was pleased to hold that “*Article 246 only prescribes the powers of the Parliament and the State legislature to enact laws. The areas prescribed in List I are within the exclusive domain of the Parliament. List II is within the*

*domain of the State legislature. List III enumerates areas which both the Parliament and the State can legislate. The Constitution inter alia aims to preserve the Federal Structure through the above provisions. It is not however a rigid demarcation. The framers of the Constitution were cautious to prescribe as above only in the context of the legislative powers of the Centre and the State. The area of operation of the Central Government and cannot be curtailed by any Central or State legislation.”*

The Court proceeded to observe that the action of the Central Government in desiring investigation into the acts and omissions of its officer who functioned under a statute which Central Government has enacted must be outside the scope of Section 6 of the DSPE Act. The Central Government having a national responsibility in zealously regulating the conduct of the persons vested with the authority to enforce Central Legislations which includes Officials of Railways, CISF and ECL. The national interest so sought to be secured and achieved must have a rational nexus with desire of the Central Government for conducting an investigation in alleged offences of the nature complained of through a central agency.

The Co-ordinate Bench of this Court thereafter proceeded to hold that *“This Court is, therefore, of the view that, the Central Government/CBI’s power to investigate and prosecute its own officials cannot be in any way impeded or interfered by the State even if the offenses were committed within the territory of the State. This Court is conscious of the limited jurisdiction of this court under Section 482 of the CrPC and does not wish to enter into the question of propriety of withdrawal of consent which existed for 30 years.”*

This Court is not unmindful regarding the judgment dated 03.02.2021 passed in WPA 10457 of 2020, the order dated 12.02.2021 passed by the Hon'ble Division Bench of this Court in MAT 158 of 2021 with MAT 167 of 2021 and the order passed in Special Leave to Appeal (Crl.) Nos. 1620-1621/2021 wherein the Hon'ble Supreme Court, because of paucity of time to conclude the hearing before recess, directed to continue with the investigation of the case subject to a limited protection being granted to the petitioner therein by way of an interim order.

This Court has also taken into account the observations of the Hon'ble Apex Court made in paragraph 23 of the judgment in ***Kanwal Tanuj Vs. State of Bihar & Ors.*** reported in **2020 SCC Online SC 395** wherein it has been held that *"The power bestowed on Special Police Force in terms of Section 2 and 3 of the 1946 Act cannot be undermined by an executive instruction in the form of proviso"*.

In paragraph 27 of ***M/S Fertico Marketing & Ors. Vs. Central Bureau of Investigation & Anr.*** reported in **(2021) 2 SCC 525**, the Hon'ble Supreme Court has been pleased to hold that *".... there are no pleadings by the public servants with regard to the prejudice caused to them on account of non-obtaining of prior consent under Section 6 of the DSPE Act qua them specifically in addition to the general consent in force, nor with regard to miscarriage of justice."*

On an overall assessment of the facts of the present case and the law referred to above, it can be safely stated that the offenders under the Prevention of Corruption Act are to be dealt with equally. As such, the

public servants whose office location may be in different States, but are associated with the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government cannot be distinguished and/or discriminated because of the location of their offices being at different States and are to be hauled up for corruption in like and similar manner uniformly throughout the country. The view of the coordinate Bench of this Court in **Ramesh Chandra Singh** (supra) that the Central Government/CBI's power to investigate and prosecute its own officials cannot be impeded or interfered by the State assumes importance and is with the spirit of the Indian Constitution.

The gravity of the offences relating to corruption and the manner in which it is to be dealt with, was considered by the legislature as well as the Hon'ble Apex Court (in a number of judgments). Pursuant to **Vineet Narain's** case, Central Vigilance Commission Act, 2003 was enacted with the sole purpose of causing inquiries into offences alleged to have been committed under P.C. Act by certain categories of public servants of the Central Government, corporations by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government. Section 26 of the CVC Act, 2003 incorporates amendments to the DSPE Act, 1946. Consequently Section 4 of the DSPE Act was amended. Sub-section (1) of Section 4 of the DSPE Act vests the Commission with the powers to superintend investigations conducted by the officers of DSPE in respect of offences committed under the P.C. Act, 1988.

The earlier sub-section (1) of Section 4 vested superintendence to the Central Government. Thus, the term 'superintendence' referred in the said provision is not merely administrative or logistic support but is a functional superintendence. Needless to state that it is only offences related to Prevention of corruption Act, 1988 which finds place in the DSPE Act and no other offences under special or general law has been referred to therein.

Moreover, the DSPE Act with its amendments have been restructured for facilitating/enabling the CBI to carry out investigations under the P.C. Act and the withdrawal notification dated 16.11.2018 is abrupt, devoid of any reasons and has the effect of shielding corrupt Central Government Officials, thereby, deterring the CBI officers to investigate offences in respect of officers falling within the category of Section 8(2) of the CVC Act, 2003. However, there may be cases where exclusively the officers belonging to the State Government are involved, in such cases the fact of the case may demand consent under Section 6 of the DSPE Act, but the nature of allegations complained in the present case, the officers/accused who are involved and the loss which has been sustained do not involve any interference with the powers vested in the State by the Constitution.

There has been no illegality committed in the ongoing investigation and as such there is no scope for interference in the continuation of investigation relating to case No. RC0102020A0022 dated 27.11.2020.

Consequently, C.R.R. 1349 of 2021 is dismissed.

Pending applications, if any, are also dismissed.

All parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.

Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**

**LATER**

When the judgment was pronounced, Mr. Sabyasachi Banerjee, learned Advocate appearing on behalf of the petitioner prayed for stay of the order.

In view of the observations made in the judgment, prayer for stay is refused.

**(Tirthankar Ghosh, J.)**