

**WPA 2333 of 2022**

**Sujay Krishna Bhadra  
Vs.  
Union of India & Ors.**

**Mr. Debashish Roy,  
Mr. Sandipan Ganguly,  
Mr. Sanjay Basu,  
Mr. Ayan Bhattacharya,  
Mr. Soumen Mohanty,  
Mr. Ayan Podder,  
Mr. Piyush Kumar Ray,  
Mrs. Poulami Bhowmick.**

**..For the petitioner.**

**Mr. Y.J. Dastoor, Ld.ASG,  
Mr. P. Edulji,  
Mr. Samrat Goswami.**

**For the CBI**

This petition is filed challenging a notice dated 7<sup>th</sup> February, 2020 (impugned notice) issued under Section 160 of Cr.P.C.

It is submitted on behalf of the petitioner that in response to an earlier notice dated 25<sup>th</sup> January, 2022 the petitioner had sought for liberty to appear before the respondent authorities by virtual mode. It is alleged that without considering the letter dated 2<sup>nd</sup> February, 2022, the respondent authorities have now issued the impugned notice.

The learned Additional Solicitor General, appears on behalf of the respondent authorities and submits that no leave under Rule 26 has been pleaded and there is no urgency in this application. It is further submitted on behalf of the respondent authorities that there are no

grounds to interfere with the impugned notice. It is also submitted that, the response to the summon dated 25<sup>th</sup> January, 2022 was received at 11:35, after the time for appearing before the Investigating Authorities on 2<sup>nd</sup> February, 2022 had expired. This fact is disputed by the petitioner.

I have considered the submission of the parties.

In view of the fact that, the impugned summons directs the petitioner to appear before the respondent authorities on 10<sup>th</sup> February, 2022, the matter is taken up for hearing. I think it fit and proper that the petitioner first respond to the impugned notice within the course of the day and seek any exemption or indulgence which the petitioner may be entitled to in accordance with law.

I make it clear that I have not gone into the merits of the disputes between the parties and respondent no. 3 is at full liberty to consider and dispose the proposed representation to be filed by the petitioner in accordance with law.

With the aforesaid directions, WPA 2333 of 2022 stands disposed of as being premature.

**(Ravi Krishan Kapur, J.)**