

26.04.2023
Ct. No.1
Item No.12
PG/KS

M.A.T.683 of 2023
With
I.A. No. C.A.N. 1 of 2023
The State of West Bengal & Ors.
-Vs.-
Joydeb Mondal & Ors.

Sk. Md. Galib
Ms. Subhra Nag
.....For the State/Appellant

Mr. Ashoke Kumar Chakrabarti, Ld. A.S.G.
Mr. Billwadal Bhattacharya, Dy. S.G.I.
Mr. Sukanta Chakraborty
.....For the C.B.I.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar
.....For the Respondents/writ petitioners
Mr. Prasanta Bishal
.....For the Respondent No.5

1. This intra-Court appeal is directed against the order dated 10th April, 2023 in W.P.A. No.7482 of 2023. The operative portion of the order and direction issued by the learned Single Bench is as follows:-

“This Court is, therefore, of the view that the CBI may conduct a preliminary enquiry and submit a report before this Court as to whether the allegations made by the petitioners in their complaints which have matured into FIR would have any nexus with the investigation that already been conducted by them.

For the said purpose the entire case diaries into the subject FIRs registered by Contai P.S. and the chargesheet no.186 of 2022 shall be made available by the State police to the CBI. The CBI may for the purpose of their enquiry examine any person.

The preliminary report of the CBI shall be submitted before this Court 3 weeks hence when the matter shall be taken up for further consideration.

List the matter on May 1, 2023.

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

2. It is the submission of the learned advocate appearing for the appellants/State that in the instant case, the Court should not have directed the C.B.I. to intervene in the matter.
3. In our considered view, the directions/ observations made by the Court are only interim in nature and the Court has not finally disposed of the matter. All that the learned Writ Court has directed is the preliminary report of the C.B.I which has been directed to be submitted within a time frame and the further direction is that the matter shall be taken up for further consideration.
4. Therefore, it will be well-open to the appellants/State to canvass all points before the learned Single Bench and submission of a preliminary report by the C.B.I., in our view, will not impinge upon the rights of the appellants/State to canvass both legal and

factual grounds before the learned Single Bench.

5. With the above observations, the appeal alongwith the connected application stands dismissed.
6. There shall be no order as to costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)