

S/L-5
31-03-2023
KOLE

CRR 2695 of 2005

**Central Bureau of Investigation
-Vs.-
Sudipta Kumar Barat**

Mr. Dipankar Dandapath,
Mr. Subrata Santha,

... for the petitioner.

In the cause title of the order dated 27th February, 2023, this criminal application has been typed as CRR 2695 of 2007 instead of CRR 2695 of 2005. It should actually be read as CRR 2695 of 2005. This inadvertent typographical error stands corrected.

Learned Counsel for the petitioner submits that despite best effort, CBI is yet to trace out the opposite party. This revisional application is pending since 2005 while the issue that goaded the petitioner to approach this Court challenging the order of learned Trial Court has been settled by the order of the Hon'ble Apex Court. Therefore, in my view, adjourning the case only to find out the opposite party would amount to wastage of time.

This petitioner under Section 482 of the Cr. P. C. challenges the order passed by learned Judge, 1st Special Court, Alipur in Special Case No. 2 of 1989. The matter is pending for more than eighteen years. Instead of adjourning the matter suo moto, considering the age of the proceeding, I am inclined to dispose of the matter on merit based on materials available with the record.

The petitioner, CBI by filing the petition under consideration apart from challenging the order dated 08.03.1994 passed by learned Trial Court is seeking permission to take appropriate proceeding before the proper forum in view of the order of the Hon'ble Apex Court passed on 27.04.1995, 06.02.1998 and 26.03.1998 in SLP (Cr.) 1126/1995, 1127/1995, 1127/1995: SLP (Cr.) 146/1988-150/1998, Criminal Appeal No. 907/1994. It goes without saying that under Article 141 of the Constitution of India the order of the Hon'ble Apex Court is binding on all the Courts of the country.

In view of the matter, the impugned order stands quashed. I do not find any reason to pass further direction granting leave to the CBI to take out proceeding before the proper forum.

The revisional application is thus disposed of.

The Learned Trial Court is directed to proceed with the case according to law in the light of the direction given by Apex Court in the aforesaid proceeding.

A copy of the order be sent down for information to the Learned Court below.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Siddhartha Roy Chowdhury, J.)