

28.10.2024
Court No.7
Supplementary List
Item No.1
AP/akd

WPA 26474 of 2024

**Arun Kumar Jagatramka and Ors.
Vs.
Union of India and Anr.**

Mr. Pawan Gupta
Mr. Sailendra Tiwari
Mr. Jayesh Choradia
Ms. Shivansi Indoria
Ms. Muskan Jalan

...For the Petitioners.

Mr. Siddhartha Lahiri
Ms. Amrita Pandey
Mr. Soumava Ghosh
Ms. Swagata Roy
Ms. Isabella Pal

...For the SFIO.

1. The instant writ petition is filed challenging the order dated 30.09.2024 passed by the learned 2nd Special Court, Calcutta in Criminal Case No. 18 of 2024.

2. Learned counsel for the petitioners submits that the present petitioners have challenged the entire proceeding of SFIO before this Hon'ble Court. There are several proceedings and orders are pending assailing the impugned proceedings. However, after completion of investigation, the SFIO has filed a complaint case.

3. Learned counsel for the petitioners further submits that the learned Special Judge without appreciating the facts and circumstances of the case and also not considering the proceeding pending before this Court had issued an order of arrest. He further submits that the impugned observations of the learned Tribunal

regarding non-cooperation of the present petitioners with the investigation is not correct in the eye of law.

4. Learned counsel appearing on behalf of the respondents submits that this is not a complaint case but it is the warrant proceeding. So the learned Special Court has every opportunity to issue an order of warrant of arrest.

5. Considering the attending facts and circumstances of the case regarding the earlier litigation between the parties and the challenge of the entire investigation pending before this Court, it appears to me that the warrant of arrest shall not serve the purpose to proceed with the criminal case before the learned Special Court.

6. Considering the situation the impugned order of warrant of arrest passed against the present petitioners is set aside.

7. The petitioners are directed to appear before the learned Special Court on 14.11.2024 positively. Till then no coercive action shall be taken against the present petitioners by the respondents.

8. Accordingly, the instant writ petition is disposed of.

9. I make it clear that I have not gone into the merits of the investigation conducted by the respondent authorities. Moreover, petitioners are also at liberty to

challenge the complaint case according to the provisions of law before the appropriate forum.

10. There shall be no order as to costs.

11. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Subhendu Samanta, J.)