

D/L 72
11.11.2024
Rohit/Aritra
ct.no.35

WPA 26813 of 2024

**Arjun Singh
Versus
The State of West Bengal & Ors.**

Ms. Basuri Swaraj, Sr. Adv.,
Mr. Billawadal Bhattacharjee,
Mr. Siddesh Kotwal,
Mr. Moyukh Mukherjee,
Mr. Pritam Roy,
Ms. Arushi Rathore,
Ms. Sagnika Banerjee,
Ms. Sarmistha Basak,
Ms. Rashhni Singhee
...for the petitioner

Mr. Kalyan Bandhopadhyay, Sr. Adv.,
Mr. Amitesh Banerjee, Ld. SSC
Mr. Sirsanya Bandhopadhyay, JSC
...for the State

Ms. Basuri Swaraj, learned Senior advocate appearing on behalf of the petitioner submits that petitioner has been called on 12/11/2024 by the Investigating Agency in connection with Bhatpara P.S. Case No.286/2020 dated 28/07/2020. The said notice was issued by Inspector of Police, CID West Bengal, DDI Barrackpore.

The petitioner has been asked to report at the office of Deputy SP (E.O.W) Bhawani Bhawan, Belvedere Road, Alipore, Kolkata-700027.

Learned Senior advocate for the petitioner submits that the petitioner would be engaged in a by-election schedule to take place on 30/11/2024 and it is further submitted that the present notice has been issued in order to frustrate the participation of the petitioner in the ensuing by election. There are other issues relating to political vendetta being canvassed by the learned advocate for the petitioner in support of her submission.

Mr. Bandhopadhyay, learned Senior advocate appearing for the State/respondents opposes the contentions advanced and submits that the petitioner has been evading such notice for a considerable period of time on one ground or the other and as such the investigation cannot proceed.

Learned Senior advocate submits that petitioner has also preferred special leave petition which is pending before the Hon'ble Supreme Court and in the said application, the Hon'ble Supreme Court has been pleased to pass an order in spite of the same, the petitioner has approached this Court for quashing of the investigational proceedings of Bhatpara P.S. Case No.286/2020 when the Hon'ble Supreme Court is in seisin of the matter, the prayers so advanced before this Court cannot be acceded to.

State has also submitted that there are no grounds for staying the investigation of Bhatpara P.S. Case No.286/2020 dated 28/07/2020.

I have considered the submissions advanced by the learned Senior advocate appearing for the petitioner as well as for the State and on an assessment of the facts the following directions are being passed:-

(i) As the Hon'ble Supreme Court is in seisin of special leave petition which includes amongst others Bhatpara P.S. Case No.286/2020 dated 28/07/2020, the prayer for quashing of the investigation at this stage cannot be entertained. The petitioner would be at liberty to approach this Court after the proceedings pending before the Hon'ble Apex Court is disposed of.

(ii) As the learned Senior advocate appearing on behalf of petitioner undertakes that the petitioner would appear before the Office of the Deputy SP (E.O.W) Belvedere Road, Alipore, Kolkata-700027 on 14/11/2024 at 11.30 A.M., the Investigating Agency would be at liberty to interrogate/enquire and ask

questions for the next 4 hours and thereafter if the petitioner is subsequently required for the sake of investigation of the present case the Investigating Agency will fix a date in the last week of November, 2024. In view of the investigation of the case progressing and the petitioner having not responded to the earlier notices, I direct the petitioner to appear physically before the office of the Deputy SP (E.O.W) Belvedere Road, Alipore, Kolkata-700027.

Petitioner will try to follow the instruction received by him in the notice dated 05/11/2024 and act in accordance with the same.

The aforesaid observations are restricted in view of the peculiar circumstances of the present case and will not operate as a precedent in other cases.

With the aforesaid observations WPA 26813 of 2024 is disposed of.

There shall be no order as to costs.

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

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

(Tirthankar Ghosh, J.)