

19.02.2026
Item No.93
Ct. No.01
RP

MAT 947 of 2023
+
IA No.CAN 1 of 2023
State of West Bengal & Ors.
Vs.
Sabiterisarkar Barman & Ors.

Mr. Amal Kumar Sen, Ld. AAG
....For the Appellants

Mr. Debasish Banerjee
Mr. Rakesh Jana
....For the Respondent No.11

Mr. Ashok Kumar Chakraborti, Ld. ASGI
Mr. Thirta Pati Acharyya
....For CBI

Ms. Amrita Pandey
....For Respondent No.1

Mr. Surendra Kumar
....For Respondent No.10

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsels.
2. This intra-Court appeal takes exception to the interlocutory order dated 11.05.2023 passed by the learned Single Judge in WPA No.10346 of 2023. The learned Single Judge in para 10 of the said order directed constitution of Special Investigation Team (SIT) by appointing certain persons by name- Mr. Upendra Nath

Biswas, a Retired Additional Director of the Central Bureau of Investigation, Mr. Pankaj Datta, a Retired Inspector General of the State of West Bengal and Ms. Damayanti Sen, a very senior IPS officer serving under the State Police. This interlocutory order is assailed in this appeal and a coordinate bench of this Court way back on 14.06.2023 stayed the impugned order dated 11.05.2023 till further orders. The said interim protection is still prevailing.

3. Learned counsel for the State and the writ petitioner fairly informed that the main writ petition is still pending before the learned Single Judge. Learned counsel for the State/appellant intended to show us the alleged letter of the writ petitioner to show that she is not interested to contest this appeal and prosecute her pending writ petition, being WPA 10346 of 2023.
4. In our opinion, the main matter is pending before the learned Single Judge. At this stage, when only an interlocutory order is under

challenge before us, we are not inclined to pass any order touching the merit of the case, otherwise it may prejudice the outcome of the main writ petition, which needs to be decided on merit.

5. The impugned interlocutory order has already been stayed by the coordinate Bench. Thus, in the fitness of thing we deem it proper to dispose of the intra-Court appeal by making the order passed by a coordinate Bench of this Court on 14.06.2023 as absolute. The learned Single Judge is requested to hear the main writ petition at the earliest as per convenience of the Court.
6. Learned counsel for the State is at liberty to show the document, which is now shown to us to the learned Single Judge. It is observed that the learned Single Judge will decide the matter in accordance with law and on merit without getting mechanically influenced by the stay order passed by this Court. Without expressing any opinion on merit this intra-

Court appeal and the connected application
are disposed of.

[SUJOY PAUL, CJ.]

[PARTHA SARATHI SEN, J.]