06.11.2026

S.L. 4
Ct. No. 8

Mujahid/
Rakib,
A.R.(Ct.)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Case No.

MAT 1919 of 2026
With
CAN 1 of 2026

In the matter of :

Dilip Mondal

... Appellant

VS.

The State of West Bengal & Ors.

... Respondents

For the Appellant :
Mr. Kishore Datta, Sr. Adv.
Mr. Ratikanta Pal

... Advocate

For the State :
Mr. Rajeep Mazumdar, Ld. AAG
Mr. Nilanjan Bhattacharyya, Sr. Adv.
Mr. Mayukh Mukherjee
Mr. Partah Chakraborty
Mr. Arghya Chatterjee

... Advocate

1. We find from the office report that there is a delay of about 24 days in preferring the appeal.

2. Learned senior counsel appearing for the appellant submits that the delay was occasioned because, in terms of the proposition laid down by the Hon'ble Supreme Court, a challenge was preferred against the order of the learned Single Judge directly before the Hon'ble Supreme Court, which Special Leave Petition was disposed of on October 30, 2026,

granting liberty to the appellant to prefer a challenge by way of an intra-court appeal.

3. The present appeal was filed at the earliest thereafter, on November 4, 2026.

4. Upon hearing learned counsel for the parties, we allow the oral prayer of learned senior counsel for the appellant and condone the said delay, at the same time invoking the provisions of Section 14 of the Limitation Act as well.

5. The present challenge has been preferred against an order whereby the Writ Court, despite directing the writ petition filed by the present appellant to be fixed for hearing, has not granted any interim protection as prayed for.

6. Learned senior counsel appearing for the appellant argues that the appellant is a member of the West Bengal Legislative Assembly belonging to an opposition party in the State.

7. It is alleged that, as a political vendetta, immediately after the coming into power of the current ruling regime in the State with the elections held on May 4, 2026, several vindictive complaints have been lodged against the appellant, evidently to mete out political vendetta.

8. Learned senior counsel submits that even as per report filed by the police, at least 37 cases have been registered against the petitioner after the declaration of the last Assembly election results on

May 4, 2026. Although another case was registered prior thereto, the charge-sheet in respect thereof was filed only on August 21, 2026, i.e., after the declaration of the election results, whereby the appellant was subsequently implicated.

9. Learned senior counsel takes the Court through the averments made in the writ petition to the effect that a video clip was being submitted before the Writ Court indicating that one of the highest political functionaries of the State has issued a threat on the floor of the Assembly itself, to the effect that the appellant shall continue to be in police custody.

10. In view of the said attending circumstances, it is argued that the registration of FIRs, with almost identical contents in most cases, is politically motivated and reeks of malice.

11. Accordingly, it is argued that the learned Writ Court ought to have granted interim protection restraining the respondent authorities from registering any further FIR or entertaining any further complaint and/or initiating any criminal proceeding against the appellant without the leave of the Court.

12. Learned senior counsel, in support of his contention, cites an English decision of ***Regina vs. Commissioner of Police of the Metropolis*** reported at ***[1968] 2 W.L.R. 893*** where it was held

that every constable in the land should be and is, independent of the Executive and that it is the duty of the Commissioner of Police of the Metropolis, as it is of every chief constable, to enforce the law of the land.

13. Learned senior counsel further cites ***Vineet Narain & Ors. vs. Union of India & Anr.*** reported at ***(1998) 1 SCC 226*** for the proposition that an investigating agency should be independent of the Executive and if necessary, Court-monitored investigations may be directed.

14. Learned Additional Advocate General, appearing on behalf of the respondent authorities, hands over a copy of an order dated October 15, 2026 passed by the learned Additional District and Sessions Judge, Twelfth Court at Alipore, District: South 24 Parganas, indicating that as lately as on the said date, the prayer for bail of the appellant has been refused. That apart, it is submitted that charge-sheets have been filed in several cases and the appellant is now in custody. As such, it is submitted that there cannot be any pressing urgency to pass any interim order at this stage. Furthermore, the respondent-authorities refute the allegations made by the appellant.

15. On a perusal of the impugned order of the learned Single Judge, we find that the learned Single Judge did not dismiss the writ petition of the appellant at

the threshold, but entertained the same for hearing and also directed the police to file the list of cases registered and pending against the appellant. Furthermore, the learned Single Judge took into consideration the fact that in certain cases charge-sheets have already been filed and custody of the appellant has been taken. It is only in such circumstances that no interim order was granted.

16. Although we agree with the contention of the appellant that mere apprehension and/or filing of charge-sheets do not mitigate the allegations made in the writ petition, at the same time, this Court is of the opinion that since the appellant is already in custody and charge-sheets have been filed in certain criminal cases, it would be premature at this stage for the Writ Court to interfere and/or to pass any blanket order, thereby pre-judging the contentions in the writ petition itself.

17. Accordingly, MAT 1919 of 2026 is dismissed on contest without any order as to costs.

18. Consequentially, CAN 1 of 2026 is also disposed of.

19. However, we make it abundantly clear that the merits of the respective contentions of the parties have not been entered into by this Court and it will be open to the learned Single Judge taking up the writ petition to decide all questions involved therein on their own merits.

20. All parties shall act in terms of server copy of this judgment, downloaded from the official website of this Court.

(Sabyasachi Bhattacharyya, J.)

(Arjun Ray Mukherjee, J.)