

17.09.2025
Court No.13
Item No.1
AP

**MAT 1409 of 2025
With
CAN 1 of 2025**

**State Bank of India
Vs.
Anil Kumar Jain and Ors.**

Mr. Mukul Lahiri, Senior Advocate
Mr. Anirban Pramanick
Mr. P. Nath
Ms. Bhagyasree Dey

... For the State Bank of India.

Ms. Noelle Banerjee
Mr. Dipanjan Dey

... For the Respondent No.1.

Ms. Priyanka Tibrewal
Ms. Garima Raijada

... For the Union of India.

Mr. Ashok Chakraborty, A.S.G.
Mr. Anirban Mitra

... For the CBI.

Mr. Kishore Dutta, A.G.
Mr. Swapan Banerjee
Ms. Sumita Shaw
Mr. S. Chatterjee

... For the State.

1. Defects, pointed out by the registry, have been removed.

2. The appeal is directed against an interim order dated 4th July, 2025 passed by a Single Bench of this Court in three writ petitions that were being heard analogously.

3. By the impugned order, the Single Bench refused to add the State Bank of India as a party to the said

proceeding. The State Bank of India has been rather cavalier in these proceedings.

4. The State Bank of India had in terms of a circular of the Ministry of Finance had lodged a complaint with the C.B.I. at Kolkata of acts and omissions, inter alia, committed by the writ petitioners, namely, Anil Kumar Jain, Anil Kumar Kedia and Prakash Chandra Agarwal that has resulted in a loss in excess of Rupees twelve thousand crores to the bank. R.C. case was, however, registered by the Bhubaneswar Branch of the C.B.I. on 6th September, 2022 being FIR No.RCBSK2022E0001.

5. Reasons as canvassed by learned counsel appearing on behalf of the State Bank of India and the learned A.S.G. appearing on behalf of the C.B.I. is that a major part of the fraud alleged against the aforesaid accused persons occurred in Orissa. Some of the acts leading to the FIR have admittedly also occurred in Kolkata and in the state of Andhra Pradesh.

6. Be that as it may, the writ petitions were filed challenging the action of the C.B.I. in taking cognizance of the complaint lodged by the respondent No.4 in the writ petition being the Deputy General Manager, State Bank of India, SAMV-I, Kolkata. It is submitted that since the said Deputy General Manager, State Bank of India, SAMV-I, Kolkata has been impleaded in his personal capacity, the bank/complainant was a

necessary and proper party to the writ petition before the Single Bench. The said Deputy General Manager complainant has since retired from the bank.

7. Learned counsel for the writ petitioner/respondent has fairly conceded that her client has no objection to 'Prayer C' to the stay application being CAN 1 of 2025.

8. In that view of the matter, the impugned order dated 4th July, 2025 is set aside. The State Bank of India being the complainant and necessary and proper party to the proceeding is hereby added as a party respondent to the instant proceeding. A complainant is always a necessary party to a proceeding challenging registration of an FIR.

9. By way of a supplementary affidavit the State Bank of India has placed on record an impugned order dated 2nd May, 2025 passed by the Single Bench staying all further proceedings in the aforesaid FIR registered by the C.B.I.

10. It is argued by the learned counsel for the appellant/State Bank of India as well as the Union of India represented by the learned A.S.G. that the said order dated 2nd May, 2025 is palpably wrong and contrary to law.

11. This Court is of the prima facie view that an erroneous order passed by a Single Bench, though not appealed against formally by any party, can be looked into by this Court under Order 41 Rule 33 of the Code of Civil Procedure. The consent of the State, where a crime is committed on a Central Government undertaking may not be required, in view of the decision of the Supreme Court in the case of **State, Central Bureau of Investigation Vs. A. Satish Kumar and Ors.** reported in **(2025) SCC OnLine SC 15** paragraphs 25 onwards. The interim order dated 2nd May, 2025 may be erroneous.

12. Be that as it may, this Court is of the view that the appeal may stand adjourned and be listed on 10th November, 2025 for further consideration.

13. This Court is also like to hear the learned counsel for the respondents/writ petitioners on the adjourned date along with all other parties on the propriety of the interim order passed by the Single Bench.

14. The territorial jurisdiction of this Court to entertain the appeal has also been challenged by the Union of India, since the RC case was registered by the State, CBI in Bhubaneswar.

15. Having regard to the fact that this Court is to decide the maintainability of the writ petition first and the propriety of the interim order dated 2nd May, 2025,

let all further proceedings before the Single Bench remain stayed until disposal of the appeal.

16. Registry shall expedite delivery of certified copy of the order dated 2nd May, 2025 to the State Bank of India.

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

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)