

10.11.2025
Court No.13
Item No.3
sp

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

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

Mr. Mukul Lahiri, ld. Senior Advocate
Mr. Anirban Pramanick
Mr. P. Nath
Ms. Bhagyasree Dey
... For the appellants.

Mr. Vikram Chowdhury, ld. Sr. Adv.
Mr. Sabyasachi Banerjee, ld. Sr. Adv.
Mr. Ayan Bhattacharjee, ld. Sr. Adv.
Mr. Sanjay Banerjee
Ms. Noelle Banerjee
Mr. Dipanjan Dey
... For the Respondent No.1.

Ms. Priyanka Tibrewal
Ms. Garima Rajjada
... For the Union of India.

Mr. Ashok Chakraborty, ld. A.S.G.
Mr. Anirban Mitra
... For the CBI.

Mr. Kishore Dutta, ld. A.G.
Mr. Swapan Banerjee
Ms. Sumita Shaw
Mr. S. Chatterjee
... For the State.

1. Mr. Vikram Chowdhury, learned Senior Advocate representing the writ petitioner respondent no. 1, has raised question of maintainability of the appeal. He submits that apart from the principles laid down under Clause 15 of the Letters Patent, the issue has been decided conclusively by the Supreme Court in the case **Ram Kishan Fouji Vs. State of Haryana** reported in

(2017) 5 SCC 533. The issue is that no intra Court appeal would lie before a Division Bench of the High Court, arising out of criminal proceedings.

2. Learned Additional Solicitor General, Mr. Ashok Chakraborty, has opposed the argument of Mr. Vikram Chowdhury. He submits by reference to Order 43 Rule 1 C.P.C. and also Order 41 Rule 24 of the C.P.C. that in the ***Ram Kishan Fouji decision*** (supra), the Hon'ble Supreme Court has not considered the dicta in the case of ***Bhajan Lal Vs. State of Haryana*** reported in ***(1992) Supp. 1 SCC 335*** and some propositions of law which he would expound later.

3. There are two other appeals being MAT 1420 of 2025 and MAT 1421 of 2025 filed by the State Bank of India as also interim applications therein which shall be listed on the adjourned date for comprehensive hearing on the issues mentioned hereinabove.

4. Let affidavit-in-opposition to all the applications filed by the parties be filed by the respondents therein, within a period of 3 weeks from date. Reply, if any, be filed within a week thereafter.

5. The parties may exchange references of the decisions to be relied upon by them respectively well in advance to enable comprehensive hearing.

6. List these matters on 15th December, 2025.

7. 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.)