

23.08.2024

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CRR 3564 of 2024

**In Re : Ranjit Singh Kothari & Ors.
.... Petitioners.**

**Mr. Ayan Bhattacharya
Mr. Indrajit Adhikari
Mr. Arpit Choudhury
Mr. Suman Mazumder
.... For the Petitioners**

On prayer of the petitioners liberty is granted to use supplementary affidavit annexing relevant documents.

The petitioners have assailed the order passed by the learned Special Judge, CBI Court no 1, Calcutta on August 13, 2024 in connection with M. L. Case no. 5 of 2018 turning down the prayer of the petitioners for stay of the investigation in terms of the order passed by this Court in CRR 3450 of 2022.

Learned counsel for the petitioners takes this Court to the order passed by a co-ordinate Bench of this Court on 16th September, 2022 in CRR 3450 of 2022 whereby the Hon'ble Court granted interim order of stay in respect of further proceeding in connection with M.L. Case no. 5 of 2018 till 23rd December, 2022 which was periodically extended and is in force till 27th September, 2024. Learned counsel submits that despite stay of the entire proceeding, the investigating authority has chosen to resume investigation of the matter in spite of the fact that the proceeding includes investigation of the case. The learned trial Judge has not considered the prayer of the

petitioner for stay of such investigation in terms of the order of this Court.

It appears that the petitioners have been able to make out an arguable case.

The petitioners are directed to serve copy of the application along with annexure thereto upon the opposite party and file affidavit of service on the adjourned date.

Since further proceeding in M. L. Case no. 5 of 2018 corresponding to ECIR no KLZO/08/2016 has already been stayed by this Court, further investigation of the case be stayed till 27th September, 2024 or until further orders, whichever is earlier.

Let the matter appear under the same heading on 9th September, 2024.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)