

1 24.12.2024

No. 35

G.S. Das

X & Anr.

-Vs-

The Union of India & Ors.

Mr. Rahul Karmakar

Ms. Gargi Goswami

Ms. Ishita Kundu

... for the petitioner(s)

Mr. Rajdeep Majumdar, Id. DSGI

Mr. Amajit De, Id. Special PP, CBI

... for the CBI

Mr. Indrajit Dasgupta

Ms. Debjani Ghosal

... for the respondent no.1

Mr. Suman Sengupta

Ms. Amrita Panja Moulick

... for the respondent no.8

Mr. Swapan Banerjee, Id. AGP

Mr. Diptendu Narayan Banerjee

... for the State-respondent(s)

Inadvertently, learned Advocate-on-record appearing on behalf of the petitioners has served a copy of the writ petition to the learned advocates of the respective parties, which is not in consonance with the rules as prescribed by this Hon'ble High Court.

Learned advocates representing the respective parties will return the copy of the writ petition, as subsequently, they have received a fresh copy of the writ petition.

Supplementary Affidavit filed on behalf of the petitioners be kept with the record.

Mr. Moitra, learned Senior Advocate, appearing on behalf of the petitioners submits that the petitioners intend to canvass the issue which has never been considered by the investigating agency and they are also aggrieved by the manner in which the further investigation of the case is in progress.

To that effect, learned Senior Advocate has, in his writ petition, set out series of grounds.

Mr. Majumdar, learned DSGI,

appearing on behalf of the CBI, submits that the investigating agency in course of further investigation is progressing with majority of the issues which have been canvassed by the petitioners.

Mr. Sengupta, learned Senior Government Advocate, appears on behalf of the respondent no.8.

Both Mr. Majumdar and Mr. Sengupta have narrated their version. However, I find from the records of the case that the Hon'ble Supreme Court in *Suo Motu Writ Petition (Criminal) No. 2 of 2024* is *in seisin* of some of the issues associated with the investigation of the case along with the other issues relating to the medical profession.

It is also reflected that in WPA (P) 339 of 2024, the Hon'ble Division Bench presided over by the Hon'ble the Chief Justice was pleased to observe in

paragraph 40 of the said writ petition,
which is as follows:

“40. The Central Bureau of Investigation shall file periodical reports before this Court as to the progress of investigation and the first report in a sealed cover shall be filed on the next date of hearing”.

As it has been submitted by Mr. Majumdar that already three Status Reports have been filed before the Hon'ble Supreme Court pursuant to the charge-sheet having been submitted, as a matter of judicial discipline, I direct the petitioners to seek clarifications from the appropriate forum before proceeding with the merits of the writ petition.

List the writ petition under the same heading on 15th of January, 2025.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

