

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 1725/2000

(From the judgement and order dated 30/03/1999 in MAT 4218/98  
of The HIGH COURT OF CALCUTTA)

NIRMALJIT SINGH HOON

Petitioner (s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent (s)

( With Appln(s). for stay, permission to place addl. documents on  
record and c/delay in filing SLP )  
( For Final Disposal )

Date : 12/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. P.S.Misra, Sr. Adv.  
Mr. S.S. Jauhar, Adv.  
Mr. S.Chandra Shekhar, adv.  
Mr. Vishnu Sharma, adv.  
Mr. Upendra Misra, adv.  
Mr. Tathagat Harsh Vardhan, adv.

For Respondent (s)  
R.1 Mr. Tara Chandra Sharma, Adv.  
Mr. Rajeev Sharma, adv.  
Mr. Ajay Sharma, adv.  
Ms. Neelam Sharma, adv.

For R.3 Mr. Ranjan Mukherjee, Adv.

UPON hearing counsel the Court made the following  
O R D E R

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Permission to file special leave petition is  
granted.

Delay condoned.

We have heard Mr. P.S.Misra, learned senior  
counsel appearing for the petitioner, Mr. T.C.Sharma,  
learned counsel appearing for respondent No.1 and Mr.  
Ranjan Mukherjee, learned counsel appearing for respondent  
No.3.

In this special leave petition filed by Nirmal Jeet  
Singh Hoon the order passed by the Division Bench of the  
Calcutta High Court on 30th March 1999 in CAN of 408 of  
1999 confirming the order of the learned single judge is

under challenge. In the said order the High Court ordered that the respondent No.3 who is the plaintiff in Title Suit No.8/95 pending in the court of the Additional Civil Judge, Senior Division, Alipore, Clacutta, may file a complaint/FIR before the police on receipt of which the police shall investigate into the matter and submit its report and further that the District and Sessions Judge, Alipore will also enquire into the matter and make his report. The genesis of the grievance of the respondent No.3 relates to the alleged theft of certain documents, particularly a zerox copy of the sale deed on the basis of which he filed the suit, while the documents were in custody of the trial court. From the records available before us we find that the petitioner herein is not a party in the aforementioned suit nor is he a party in the proceedings before the learned single judge or the Division Bench of the High Court.

The grievance of the petitioner as evident from the arguments of Shri P.S.Misra is that the petitioner has been named as an accused in the complaint petition/FIR filed by the respondent No.3 before the police which matter was being investigated till this court by the interim order passed on 12th May, 2000 directed stay of further proceedings in pursuance of the complaint/FIR. It is not disputed before us that the petitioner has yet taken no

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steps to challenge the complaint/FIR or the investigation by the police or any order passed by the Court, in that connection.

On the facts and circumstances of the case stated above we are of the view that it will serve the ends of justice if this special leave petition is disposed of with the order permitting the petitioner to take appropriate step to challenge the complaint petition/FIR or any order passed in connection with the same before the competent court. If any such move is made the court will deal with the matter in accordance with law without being influenced by the observations made by the High Court (both the Single Judge and the Division Bench) and the disposal of this special leave petition by this Court. It is ordered accordingly.

Then Mr. P.S.Misra submitted that the interim order passed on 12th May, 2000 may be continued for further period of four weeks to enable the petitioner to take appropriate steps in the matter. Considering the said submission we direct that interim order passed by this Court on 12th May, 2000 granting stay of further proceedings in pursuance of the complaint lodged by respondent No.3 after the order passed by the learned single judge, will continue for a period of four weeks from today. The SLP is disposed of on the above terms.

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(Suman Wadhwa)  
Court Master

(S.Malkani)  
Court Master