

ITEM NO.48

COURT NO.4

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 5787/2012

(Arising out of impugned final judgment and order dated 11.07.2011 passed by the High Court of Calcutta in CRR No.1715 of 2011))

CENTRAL BUREAU OF INVESTIGATION

Petitioner(s)

VERSUS

BUDHA PRIYA MAHATHREA @ BUDDHA PRIYA BHIKSHU

Respondent(s)

WITH

SLP(Cr1) No. 1866/2014 (II-B)SLP(Cr1) No. 4230/2013 (II-B)

Date : 05-07-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Parties :

Ms. Sarla Chandra, AOR

Ms. Pinky Anand, ASG

Ms. Sadhana Sandhu, Adv.

Mr. D.N. Goburdhan, Adv.

Ms. Saudamini Sharma, Adv.

Ms. Kritika, Sachdeva, Adv.

Ms. Somya Rathore, Adv.

Mr. Mukesh Kumar Maroria, AOR

Mr. Nitin Sangra, Adv.

Mr. Rahul Gupta, AOR

Mr. Aman Sinha, Sr. Adv.

Mr. Sanjai Kumar Pathak, AOR

Mr. Ankur Sudan, Adv.

Mr. Satya Veer Singh, Adv.

Ms. Ritikaa Sharma, Adv.

Ms. Nandini Sen, Adv.

Mr. Chanchal Kumar Ganguli, AOR

Mr. M. T. George, AOR

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

These cases raise several questions of public importance. By notification dated 21st April, 1960 under Section 6 of the Delhi Special Police Establishment Act, 1946 (for short, 'the Act') the State of West Bengal had consented to investigation by the Central Bureau of Investigation of offences mentioned in a notification dated 6th November, 1956 issued under Section 3 of the Act. The said notification dated 6th November, 1956 has been rescinded by notification dated 18th February, 1963. However, it does not appear that the State of West Bengal has issued any notification under Section 6 of the Act subsequent to the one dated 21st April, 1960.

What would be the legal consequence thereof is a question that has to be answered in these cases. As the issue may have wide ranging implications with regard to investigation of cases by the Central Bureau of Investigation in the State of West Bengal we deem it proper to request the learned Attorney General for India to address the Court with the assistance of the Advocate General

for State of West of Bengal and Ms. Pinky Anand,
the learned Addl. Solicitor General of India.

Registry is directed to serve the copies of
the relevant documents including the notifications
in question in the office of the learned Attorney
General and also the office of the Advocate General
for the State of West Bengal.

List the matters for hearing on 7th November,
2017.

(NEETU KHAJURIA)
COURT MASTER

(ASHA SONI)
BRANCH OFFICER