

ITEM NO.1

COURT NO.6

SECTION IIB

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(S). 5787/2012  
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 11.07.2011  
IN C.R.R. NO.1715/2011 PASSED BY THE HIGH COURT OF CALCUTTA)

C.B.I

PETITIONER(S)

VERSUS

BUDHA PRIYA MAHATHREA  
(WITH OFFICE REPORT)  
(FOR FINAL DISPOSAL)

RESPONDENT(S)

WITH  
SLP(CRL) NO. 4230/2013  
(WITH OFFICE REPORT)

SLP(CRL) NO. 1866/2014  
(WITH APPLN.(S) FOR PERMISSION TO PLACE ADDL. DOCUMENTS ON RECORD  
AND STAY)

Date : 28/09/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

SLP(CRL) 5787/12 & rr  
in SLP(CRL) 1866/14

Ms. Pinky Anand, ASG  
Ms. Jyotika Kalra, Adv.  
Ms. Sadhna Sandhu, Adv.  
Mr. Mukesh Kumar Maroria, Adv.  
Ms. Jyoti Mehendiratta, Adv.  
Ms. Kritika Sachdeva, Adv.

SLP(CRL) 4230/13

Mr. Rahul Gupta, Adv.  
Mr. Nitin Sangra, Adv.

SLP(CRL) 1866/14

Mr. Sanjay R. Hegde, Sr. Adv.  
Mr. Utpal Mazumdar, Adv.  
Mrs Sarla Chandra, Adv.

For Respondent(s)

Mr. Aman Sinha, Sr. Adv.  
Mr. Sanjai Kumar Pathak, Adv.  
Mr. Pravesh Thakur, Adv.

Mr. Joydeep Mazumdar, Adv.  
Mr. Parijat Sinha, Adv.  
Mr. Rohit Dutta, Adv.  
Mr. Anip Sachthey, Adv. [N/P]

Mr. M. T. George, Adv.

Mr. B.V. Balram Das, Adv.

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

By Notification dated 21<sup>st</sup> April, 1960, consent of the State of West Bengal has been accorded for investigation by the Central Bureau of Investigation (earlier Delhi Special Police Establishment) in respect of offences specified, *inter alia*, in Notification No.7/5/55-AVD dated 6<sup>th</sup> November, 1956. The said Notification is issued under Section 3 of the Delhi Special Police Establishment Act, 1946 and in the offences mentioned therein, offences punishable under Sections 417, 465, 467, 468, 471 and 477A of the Indian Penal Code, 1860 ("IPC") are also mentioned. Reference to the said offences under the IPC has been specifically mentioned as the same are relevant to the present case.

By Notification dated 18<sup>th</sup> February, 1963 issued under Section 3 of the Delhi Special Police Establishment Act, 1946 the earlier Notification bearing No. 7/5/55-AVD dated 6<sup>th</sup> November, 1956 has been superseded. The

question, therefore, would be whether there is any other Notification under Section 6 of the Delhi Special Police Establishment Act, 1946 after the aforesaid super-session of the Notification dated 6<sup>th</sup> November, 1956 by which consent of the State of West Bengal for investigation into the offences in question (as referred to above) has been accorded.

Ms. Pinky Anand, learned Additional Solicitor General appearing for the C.B.I., on being apprised of the aforesaid position, seeks two weeks' time to obtain necessary instructions and place the relevant Notifications, if available/in existence before the Court.

Time as prayed is granted.

List the matters on 25<sup>th</sup> October, 2016.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER