

ITEM NO.104

COURT NO.11

SECTION XVI

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

CIVIL APPEAL NO. 3040-3041/2017

MD. SHOHIDULLAH

APPELLANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

RESPONDENT(S)

WITH

C.A. No. 3044/2017 (XVI)

C.A. No. 3042-3043/2017 (XVI)

C.A. No. 3278/2017 (XVI)

(IA No. 100050/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 115708/2017 - VACATING STAY)

SLP(C) No. 24755/2023 (XVI)

(IA No. 231970/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-03-2024 These appeals were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Appellant(s)

104.1, 104.2, 104.3 Ms. Madhumita Bhattacharjee, AOR
Ms. Srija Choudhury, Adv.
Ms. Osheen Bhat, Adv.
Ms. Nitipriya Kar, Adv.

104.4 Mr. Swarnendu Chatterjee, AOR (NP)

For Respondent(s)

104, 104.4 Ms. Madhumita Bhattacharjee, AOR
Ms. Srija Choudhury, Adv.
Ms. Osheen Bhat, Adv.
Ms. Nitipriya Kar, Adv.

- 104.2** Mr. Surjendu Sankar Das, AOR (NP)
Ms. Annie Mittal, Adv. (NP)
- 104.1, 104.3** Mr. Amit Pawan, AOR (NP)
- 104, 104.1, 104.2,
104.3** Mr. Mithilesh Kumar Singh, AOR (NP)

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

1. Learned counsel for the appellant-State of West Bengal in Civil Appeals No. 3044/2017, 3042-3043/2017 & 3278/2017, also appearing for the respondent in Civil Appeals No. 3040-3041/2017 & SLP(Civil) No. 24755/2023, states that she has filed a copy of the judgment dated 07th February, 2024, rendered by a Full Bench of the High Court of Calcutta answering a Reference placed before it by the Division Bench of the High Court, in view of a conflict of opinion between the views expressed by the two coordinate Benches on the aspects set out in paragraphs no. 2 to 7 of the said judgment.
2. Learned counsel for the State of West Bengal submits that she may be permitted to examine the judgment in the context of the facts of the instant cases and come prepared on the next date of hearing.
3. At the request of learned counsel for the State of West Bengal, list on 18th April, 2024.

**(POOJA SHARMA)
COURT MASTER (SH)**

**(NAND KISHOR)
COURT MASTER (NSH)**