

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 for Special Leave to Appeal (Cr1.) No. 7809/2021

(Arising out of impugned final judgment and order dated 01-10-2021 in CRR No. 92/2021 passed by the High Court at Calcutta)

KAILASH VIJAYVARGIYA

Petitioner(s)

VERSUS

RAJLAKSHMI CHAUDHURI & ORS.

Respondent(s)

(IA No. 133904/2021 - CLARIFICATION/DIRECTION

IA No. 137746/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 131721/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 137747/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 134058/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

I.A. No. 140323/2021 (Application for directions)

WITH

SLP (Cr1.) No. 8083/2021

(IA No. 136734/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 136462/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

I.A. No. 140399/2021 (Application for interim directions)

WITH

SLP(Cr1) No. 8053/2021 (II-B)

(FOR EXEMPTION FROM FILING O.T. ON IA 136190/2021

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 136191/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 136192/2021

IA No. 136191/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 136190/2021 - EXEMPTION FROM FILING O.T.

IA No. 136192/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

I.A. No. 140540/2021 (Application for directions)

Date : 29-10-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Maninder Singh, Sr Adv
Ms. Swarupama Chaturvedi, Adv
Mr. Kabir Shankar Bose, Adv.
Mr. Amit Mishra , Adv.
Ms. Kanika Singhal, Adv.
Mr. Dheeraj Trivedi, Adv.
Mr. Debu Chowdhury, Adv.
Mr. Amit Tiwari, Adv.
Mr. Arvind Gupta AOR

Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Kabir Shankar Bose, Adv.
Mr. Amit Mishra, Adv.
Mr. Amit Tiwari, Adv.
Ms. Kanika Singhal, Adv.
Ms. Mughda Pandey, Adv.
Ms. Annie Mittal, Adv.
Mr. Surjendu Sankar Das, AOR

Mr. P.S. Patwalia, Sr. Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Kabir Shankar Bose, Adv.
Mr. Amit Mishra, Adv.
Mr. Dheeraj Trivedi, Adv.
Ms. Kanika Singhal, Adv.
Mr. Loknath Chatterjee, Adv
Mr. Amit Tiwari, Adv.
Mr. Santosh Kumar, Adv.
Mr. Praneet Pranav, Adv.
Mr. Amit Sharma, Adv.
Mr. Vedansh Anand, Adv.
Mr. Aditya Kashyab, Adv.
Ms. Himadri Haksar, Adv.

For Respondent(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Adit Subramaniam Pujari, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv.
M/S. PLR Chambers And Co., AOR

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

I.A. Nos.140399/2021, 140540/2021 and 140323/2021

We have heard learned senior counsel appearing on
behalf of the respective parties.

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All these applications are filed by the respective original petitioners, seeking following interim orders-

"a) grant stay on all proceedings pursuant to the impugned order dated 01 October, 2021, including stay on the operation of the impugned order dated 01 October, 2021;

b) grant stay on any and all proceedings pursuant to the FIR No.221/2021 dated 09 October, 2021 lodged at Police Station Bhowanipore;

c) pass any other orders (s) or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

By our earlier order dated 25.10.2021, this Court passed the following order -

"Issue notice returnable on 16.11.2021.

Mr. Suhaan Mukerji, learned counsel accepts notice on behalf of the State of West Bengal.

Dasti, in addition, so far as the original complainant is concerned, is permitted.

In addition to the regular service, the original complainant be served through the In-charge, Police Officer of the concerned Police Station.

In the meantime, it will be open for the High Court to consider the anticipatory bail application on merits and/or to extend the interim protection granted earlier in the anticipatory bail application without prejudice to the rights and contentions of the respective parties in the present proceedings."

By the aforesaid order, we permitted the High Court to either hear the main anticipatory bail applications on merits or to consider regarding extension of the interim protection granted earlier. Though our earlier order is very clear and does not require any further clarification, it appears that still the High Court seems to be in dilemma.

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Still, it is clarified that as per our earlier order, discretion is left to the High Court either to consider the anticipatory bail applications on merits finally or to consider the extension of interim order granted earlier.

In any event, any order is passed adverse to the petitioners herein, we direct that the interim protection granted earlier by the High Court shall be continued till the next date of hearing before this Court, i.e, 16.11.2021.

With this, the present applications stand disposed of.

(NEETU SACHDEVA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER