

ITEM NO.801

COURT NO.1

SECTION II-B

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

**SPECIAL LEAVE PETITION (CRIMINAL) Diary No.40675/2022**

(Arising out of impugned final judgment and order dated 08-12-2022 in WPA No.25522/2022 passed by the High Court at Calcutta)

THE STATE OF WEST BENGAL

Petitioner(s)

VERSUS

SUVENDU ADHIKARI & ORS.

Respondent(s)

Date : 15-12-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv. (Mentioned by)  
Ms. Astha Sharma, AOR  
Mr. Ravinder Singh, Adv.  
Mr. Amit Bhandari, Adv.  
Ms. Raveesha Gupta, Adv.  
Ms. Mantika Haryani, Adv.  
Mr. Shreyas Awasthi, Adv.  
Mr. Devvrat Singh, Adv.

For Respondent(s)

**UPON being mentioned the Court made the following**  
**O R D E R**

1 On mentioning, the matter is taken on Board.

- 2 On 8 December 2022, the following direction was issued by a Single Judge of the High Court of Calcutta in WPA No 25522 of 2022.

“In these circumstances, this Court is of the view that each and everyone FIRs referred to in the writ petition shall remain stayed. The State police shall not register any more FIRs against the petitioner, without the leave of this Court. The other prayers for transfer of investigation etc. shall be considered after affidavits are received from the respondents.”

- 3 Dr Abhishek Manu Singhvi, senior counsel appearing on behalf of the petitioner-State submits that as a result of the blanket stay which has been issued on the registration of any FIR against the first respondent, the petitioner-State is unable to register an FIR in respect of an incident which took place yesterday (14 December 2022) when certain deaths are alleged to have taken place during the course of the distribution of blankets.

Since the Single Judge is not available for judicial work in Calcutta, it has been submitted that the Special Leave Petition had to be instituted before this Court.

- 4 Even if the Single Judge who passed the order dated 8 December 2022 is unavailable for work at Calcutta by virtue of his judicial assignment at Port Blair, the petitioner has the remedy of moving the learned Chief Justice of the High Court of Calcutta for appropriate administrative directions.
- 5 In view of the above position, Dr Abhishek Manu Singhvi, senior counsel states that he seeks to withdraw the Special Leave Petition at this stage so as to enable the petitioner to move the Chief Justice of the High Court without prejudice to his contention in the main matter.
- 6 It is clarified that while we have recorded the above submissions, we have not expressed any opinion on the merits of the case.

- 7 The Special Leave Petition is dismissed as withdrawn.
- 8 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**