

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. OF 2024
(Arising out of SLP(C) No.9628 of 2024)**

STATE OF WEST BENGAL

Appellant(s)

VERSUS

JASHIMUDDIN MONDAL & ORS.

Respondent(s)

O R D E R

1. Leave granted.
2. The appeal challenges the judgment and order dated 19.04.2024 passed by the Division Bench of the High Court of Calcutta, thereby dismissing the appeal filed by the present appellant, which, in turn, challenged the order passed by the learned Single Judge of the said High Court dated 09.04.2024.
3. The perusal of the order passed by the learned Single Judge of the High Court would reveal that on receipt of some letters submitted on behalf

of the writ petitioner, the learned Single Judge of the High Court has directed that the Special Investigation Team of the Central Bureau of Investigation (CBI) should conduct a preliminary examination and make an analysis of the allegations made in those letters. It was further directed that a report be submitted with regard to the outcome of the said exercise.

4. The Division Bench of the High Court did not find it necessary to interfere with the order impugned before it, since it felt that only a preliminary examination was directed by the learned Single Judge of the High Court.

5. No doubt that the High Court, while exercising its powers under Article 226 of the Constitution of India, is empowered to entrust the investigation to the CBI. However, for doing so, it has to come to a reasoning as to why it finds that the investigation by the State Police is not fair or is partisan.

6. Merely on the basis of some letters, such an exercise is not warranted.

7. This Court has consistently held that such an exercise of entrusting an investigation to the CBI by the High Court has to be done in very rare cases.

8. The perusal of the order passed by the learned Single Judge of the High Court would reveal that there is not even a whisper as to why he finds the investigation by the State Police to be unfair or partial so as to find it necessary to direct an enquiry to be conducted by the CBI.

9. For the very same reason, the order passed by the learned Division Bench of the High Court is also not sustainable in law.

10. The appeal is allowed. The impugned judgment and order dated 19.04.2024 passed by the Division Bench of the High Court and order dated 09.04.2024 passed by the learned Single Judge of the High Court are quashed and set aside.

11 The learned Single Judge of the High Court is directed to decide the writ petition in accordance with law.

12. Pending application(s), if any, stand(s)
disposed of.

.....J
(B.R. GAVAI)

.....J
(K.V. VISWANATHAN)

New Delhi
Sept.24, 2024

ITEM NO.17

COURT NO.3

SECTION XVI

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 (C) No(s). 9628/2024

(Arising out of impugned final judgment and order dated 19-04-2024 in CAN No. 2/2024 passed by the High Court Of Calcutta Circuit Bench At Jalpaiguri)

STATE OF WEST BENGAL

Petitioner(s)

VERSUS

JASHIMUDDIN MONDAL & ORS.

Respondent(s)

(IA No. 139229/2024 - VACATING STAY)

Date : 24-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Sanjay Basu, Adv.
Ms. Astha Sharma, AOR
Mr. Piyush Agarwal, Adv.
Mr. Amit Bhandari, Adv.
Mr. Srisatya Mohanty, Adv.
Ms. Shrivalli Kajaria, Adv.
Mr. Shreyas Awasthi, Adv.
Mr. Debojyoti Das, Adv.
Mr. Ritwik Mohapatra, Adv.
Mr. Varun Tyagi, Adv.

For Respondent(s)

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Rauf Rahim, Sr. Adv.
Mr. Samim Ahmad, Adv.
Mr. Ali Asghar Rahim, Adv.
Mr. Shekhar Kumar, AOR

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Shamim Ahmed, Adv.
Mr. Supratik Sarkar, Adv.

Mr. Ramendra Mohan Patnaik, AOR

Dr. Menaka Guruswamy, Sr. Adv.
 Ms. Anju Thomas, AOR
 Ms. Mantika Haryani, Adv.
 Mr. Utkarsh Pratap, Adv.
 Mr. Devadipta Das, Adv.
 Ms. Arunima Das, Adv.

Mr. Kunal Chatterji, AOR
 Ms. Maitrayee Banerjee, Adv.
 Mr. Rohit Bansal, Adv.

Mr. Vikram Hegde, Adv.
 Ms. Koyeli Bhattacharya, Adv.
 Ms. Hima Lawrence, AOR
 Mr. Chitwan Sharma, Adv.
 Mr. Ashutosh Yadav, Adv.

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)

ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)

COURT MASTER (NSH)

[Signed order is placed on the file]