
(2017) 02 CAL CK 0059
In the Calcutta High Court
Case No : W.P. No. 2365(W) of 2017

Prasanta Kumar Chatterjee	Vs	APPELLANT
State of West Bengal		RESPONDENT

Date of Decision : 15-02-2017

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 2 RCRCriminal 751

Hon'ble Judges : Debangsu Basak, J.

Bench : Single Bench

Advocate : Gopal Chandra Roy, Advocate, for the Petitioner; Ms. Paramita Pal, Advocate, for the State; Ayan Bhattacharya, Ms. S. Bhattacharya, Advocates, for the Respondent No. 2

Final Decision : Disposed Off

Judgement

Debangsu Basak, J.—The writ petition contains the following prayers:

"(A) A writ in the nature of Mandamus commanding the respondents as to why the separate listing of cases on behalf petitioners herein to get scope as 'Non prosecution' before the Hon'ble Court shall not be allowed in accordance with law from the list of petitioners Supriya Paul being CRR No. 4098 of 2016.

b) Rule NISI in terms of prayer above.

c) Stay on the further listing wrong cause title by State of West Bengal in connection with Order dated 04.01.2017, dated 11.01.2017 & dated 18.01.2017 on behalf of petitioner Supriya Paul being CRR No. 4098 of 2016 till disposal of this writ application.

d) Costs.

h) To pass such other or further order or orders as to Tour Lordship may deem fit and proper."

2. Essentially the petitioners seek a direction on another learned Judge of this Court to hear and dispose of the applications pending before His Lordship. The petitioners seek to set up one Court against the other.

3. Learned advocate for the respondent no. 2 submits that, the learned advocates appearing for the opposite party and the State in the criminal revisional petitions have been made party-respondent in the present writ petition. He submits that, such a practice should be deprecated.

4. The petitioners had filed several criminal revisional petitions. Those criminal revisional petitions were listed another Hon"ble Judge of this Court. Such criminal revisional petitions were disposed of by an order dated February 3, 2017 after the Hon"ble Court came to the finding that the petitioners are guilty of criminal contempt in view of filing repeated applications for the self-same cause of action and being guilty of suppression of material facts and obtaining an order despite disposal of the first criminal revisional application in a particular way. In addition to the contempt rule being issued against the petitioners, directions were given to the Bar Council of India against the learned advocate concerned.

5. The order is dated February 3, 2017 by which the contempt rule was issued.

6. The petitioners file a supplementary affidavit in the present writ petition. The supplementary affidavit is affirmed on February 13, 2017. The petitioners continue to press the writ petition subsequent to the order dated February 3, 2017.

7. Learned advocate for the petitioners seek leave to withdraw the writ petition. Such leave is sought for only after the Court points out the gravity of the situation to the learned advocate for the petitioners.

8. It is the conduct of the petitioners which has to be taken note of. Despite the order dated February 3, 2017, the petitioners have affirmed a supplementary affidavit on February 13, 2017 and have shown no remorse. The petitioners have sought to continue with the hearing of the writ petitioner on the date of affirmation of the supplementary affidavit and at the commencement of hearing of the petition.

9. The petitioners are not entitled to any relief as prayed for in the writ petition. The writ petition is mala fide. It seeks to set up one Court against the other. In fact, by way of this writ petition, the petitioners seek to interfere in the course of administration of justice. The affirmation of the supplementary is another step towards interference in the course of administration of justice. Learned advocates appearing for the opposite parties in the criminal revisional applications have been made parties to the present writ petition. It is another indication of the malafide attempt of the petitioners and their efforts to interfere with the course of administration of justice.

10. In such circumstances, I am constrained to issue a rule against the petitioners returnable two weeks hence i.e. March 2, 2017 to show-cause as to

why the petitioners should not be held guilty of criminal contempt and be punished accordingly.

11. In view of the unconditional apology tendered by the learned advocate for the petitioners, no step is taken against such advocate.

W.P. No. 2365(W) of 2017 is disposed of.

12. There shall, however, be no order as to costs.

13. Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.