

01 **05.08.2026**
(DL) Court No. 05
 (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 11489 of 2026

With

CAN 1 of 2026

With

CAN 3 of 2026

Abhishek Banerjee

–Versus –

The State of West Bengal & Ors.

Ms. Rebecca M. John, Sr. Adv,
Mr. Sabyasachi Chatterjee, Sr. Adv,
Mr. Ayan Bhattacharjee, Sr. Adv,
Mr. Rudradipta Nandy, Adv,
Mr. N. Saxena, Adv,
Mr. Arka Kumar Nag, Adv,
Mr. Agnish Basu, Adv,
Mr. Vipul Vedant, Adv,
Mr. Gourav Bose, Adv,
Mr. Aditya Roy, Adv.

...for the petitioner/applicant

Mr. Rajdeep Mazumder, Ld. AAG,
Mr. Kollol Mondal, Ld. PP
Mr. Maukh Mukherjee, Adv,
Mr. Aditya Mondal, Adv.

.....for the State respondents

Mr. Bikram Banerjee
Mr. Amritam Mondal
Mr. Rajdeep Majumder
Ms. Sagarika Goswami

.....for the *de facto* Complainant

Re. CAN 1 of 2026

1. Application being CAN 1 of 2026 preferred by the petitioner in WPA 11489 of 2026 is taken up for hearing in terms of the order passed by the Hon'ble Supreme

Court on 3rd August, 2026 on Petitions for Special Leave to Appeal (Crl.) Nos. 13555-13556/2026 (Abhishek Banerjee Vs. The State of West Bengal & Ors.). Vide said order dated 3rd August, 2026, Hon'ble Supreme Court requested High Court at Calcutta to take up the application and decide the same within one week. Consequently matter is placed for hearing at the top of list today and same is heard.

2. Ms. Rebecca M. John, learned Senior Advocate is representing the applicant on virtual mode, Mr. Rajdeep Mazumder, learned Additional Advocate General is representing the State respondents and Mr. Bikram Banerjee, learned advocate is representing *de facto* complainant on virtual mode.

3. By presenting this writ petition, *inter alia*, applicant has prayed for relaxation of condition imposed by this Court vide order dated 21st May, 2026 passed on writ petition being WPA 11489 of 2026 (Abhishek Banerjee Vs. The State of West Bengal & Ors.) thereby directing that the applicant shall not go abroad without leave of the Court. It is submitted on behalf of the applicant that as applicant is cooperating with the investigating agency he may be permitted to go abroad for a period of three weeks for treatment of his eye. Medical issue so far applicant is concerned, according to learned Senior Advocate representing the applicant, can be assessed on perusing a medical document dated 4th June, 2026 which is at page 19 of the application. According to the applicant,

taking note of observation made by medical expert applicant needs to be permitted to go abroad for treatment. Apart from document at page 19 of the application, reliance is also placed on the medical documents annexed to application from page 179 onwards issued on behalf of medical institute i.e. Johns Hopkins Medicine. According to learned Senior Advocate, aforesaid submission made on behalf of the applicant is for continuation of treatment of the applicant.

4. In addition thereto, reliance is placed on the order passed by the Hon'ble Supreme Court on 28th July, 2023 on Petition(s) for Special Leave to Appeal (Crl.) No(s). 2806-2807/2022 (Abhishek Banerjee & Anr. Etc. Vs. Directorate of Enforcement). According to the applicant, in similar situation after the order was passed on 28th July, 2023 applicant was permitted to go abroad for treatment and situation is identical so far present case is concerned requiring the applicant to be permitted to go abroad for treatment on relaxation of condition imposed by this Court vide order dated 21st May, 2026 passed on writ petition being WPA 11489 of 2026.

5. Mr. Rajdeep Mazumdar, learned Additional Advocate General representing the State respondents has opposed this application and has submitted that apart from criminal prosecution being Bidhannagar Cyber Crime Police Station Case No. 75/2026 dated 15th May, 2026 in connection with which this Court passed order on 21st May, 2026 on writ petition being WPA 11489 of

2026, there are other fifteen criminal prosecutions were registered against the applicant. It is also submitted that out of total sixteen criminal prosecutions in following four criminal prosecutions excluding Bidhannagar Cyber Crime Police Station Case No. 75/2026 dated 15th May, 2026 different Courts including this Court are considering propriety of such criminal prosecutions; these are :-

- (i) Kalitala Ashuti Police Station Case No. 140/26 dated 16th June, 2026;
- (ii) Bishnupur Police Station Case No. 668/26 dated 16th June, 2026;
- (iii) Hare Street Police Station Case No. 98/26 dated 27th May, 2026 and
- (iv) Bhawanipore Police Station Case No. 121 dated 27th May, 2026

6. In reference to medical document at page 19 of the application, it is submitted on behalf of the State respondents that there is no medical emergent situation as it emanates from said document requiring immediate treatment of the applicant.

7. Mr. Bikram Banerjee, learned advocate representing *de facto* complainant in Bidhannagar Cyber Crime Police Station Case No. 75/2026 dated 15th May, 2026 submits that medical document at page 19 dated 4th June, 2026 may not be given credence since the physician who issued this document did not indicate his registration number being a registered medical

practitioner. Apart from this, prayer is made for not permitting the applicant to go abroad for treatment.

8. Having considered the submission made by learned Senior Advocate representing the applicant that considering present eye condition of the applicant he needs to be permitted to go abroad for treatment, this Court contemplates that the applicant will be directed to appear before a medical board headed by Head of Ophthalmology, IPGMER, Kolkata (SSKM Hospital) tomorrow, i.e. 6th August, 2026 at a fixed time for assessing present medical condition of the applicant for furnishing an opinion before this Court on 7th August, 2026 whether the applicant is required to go abroad for treatment or treatment can be administered in our country as the Court is not medical expert neither learned Senior Advocate representing the applicant. At this stage what is important is treatment of the applicant, where it will be administered is immaterial. This Court is compelled to make aforesaid observation in spite of submission made on behalf of the applicant that it is right of the applicant to choose doctor and medical establishment where he is to be treated but Court cannot brush aside present situation which is subsisting in view of pendency of several criminal prosecutions including five criminal prosecutions in connection with which three matters are pending before this High Court, two are before this Court and one is before a coordinate Bench taking criminal Revisional Applications.

9. It needs to be recorded herein that in connection with Hare Street Police Station Case No. 98/26 dated 27th May, 2026 a Criminal Revisional Application being CRR No. 2240/2026 is pending before a coordinate Bench and applicant is enjoining protection subject to cooperation in continuing investigation. In all the criminal prosecutions investigation is going on and one writ petition being WPA 15412 of 2026 (Abhishek Banerjee Vs. The State of West Bengal & Ors.) relating to three criminal prosecutions namely Bhowanipore Police Station Case No. 121/2026 dated 27th May, 2026, Kalitala Police Station Case No. 140/2026 dated 16th June, 2026 and Bishnupur Police Station Case No. 668/2026 dated 16th June, 2026 is fixed for hearing tomorrow (6th August, 2026).

10. Situation which has arisen in view of pending writ petitions/ Criminal Revisional Application before Court and continuation of investigation in several criminal prosecutions makes it different from the issue which was before the Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (Crl.) No(s). 2806-2807/2022 on which an order was passed on 28th July, 2023, relied upon on behalf of the applicant.

11. However, it is submitted on instruction by learned Senior Advocate representing the applicant that applicant is not willing to appear before the medical board for assessment of medical condition tomorrow (6th August, 2026) at SSKM Hospital, Kolkata. Had applicant appeared before a medical board tomorrow then based on

medical opinion furnished by the board of medical experts issue could have been examined by this Court on 7th August, 2026 in order to find out whether petitioner needs to go abroad for treatment or not.

12. In view of submission made on behalf of the applicant that applicant will not appear before the medical board at SSKM Hospital, Kolkata, this Court finds the issue which is agitated before this Court by filing application being CAN 1 of 2026 ought not to be kept pending further.

13. Hence, application being CAN 1 of 2026 is dismissed.

14. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)