

**HIGH COURT OF TRIPURA**  
**AGARTALA**  
**W.P.(C) 1106/2022**

**Sri Parimal Ghosh**, son of late Pyarimohan Ghosh, resident of Lankamura,  
P.O. Border Rampur, P.S. West Agartala, District- West Tripura

---- **Petitioner**

**Versus**

- 1. The State of Tripura**, represented by the Secretary, Department of Home, Government of Tripura, New Secretariat Building, P.O. Kunjaban-799006, P.S. New Capital Complex, Agartala, West Tripura
- 2. The Director General of Police**, West Tripura District, Agartala
- 3. The Superintendent of Police**, West Tripura District, Agartala
- 4. The Officer-in-Charge**, West Agartala Police Station, West Tripura
- 5. The Investigating Officer**, West Agartala PS case No. 2020 WAG 007, West Agartala Police Station, Agartala, West Tripura

----**Respondents**

For Petitioner(s) : Mr. PK Biswas, Sr. Advocate

Mr. P. Biswas, Advocate

For Respondent(s) : Mr. D. Bhattacharjee, GA

Mr. S. Saha, Advocate

Date of hearing and delivery : **29.03.2023**

Of Judgment & Order

Whether fit for reporting : Yes / No

**HON'BLE THE CHIEF JUSTICE (ACTING)**

**HON'BLE MR. JUSTICE ARINDAM LODH**

**JUDGMENT**

**(Amarnath Goud, ACJ)**

Heard Mr. PK Biswas, learned senior counsel assisted by Mr. P. Biswas, learned counsel appearing for the petitioner as well as Mr. D. Bhattacharjee, learned GA assisted by Mr. S. Saha, learned counsel appearing on behalf of the respondents.

**2.** By means of filing this writ petition, the petitioner has prayed for the following reliefs:

“(i) Admit this petition;

(ii) Issue RULE calling upon the respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued directing the respondents to protect the life and liberty of petitioner by means of monetary compensation from the respondents who are responsible for the death of the son of the petitioner in police custody;

A N D

(iii) Issue RULE calling upon the respondents to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued directing the respondents to produce the records relevant to the subject matter of this proceeding to this Hon'ble Court for rendering considerable justice;

A N D

(iv) After hearing the parties be pleased to make the Rule absolute, issuing direction to the respondents and;

A N D / O R

Pass such further order and/or direction as Your Lordships may deem fit and proper for the ends and in the interest of justice."

2. The facts of the case, in brief, is that, Sushanta Ghosh, son of the petitioner was arrested and detained in connection with West Agartala PS case no. 2020 WAG 007 and by order dated 11.01.2020 he was remanded to police custody on 11.01.2020 for oneday. On the next day i.e. on 12.01.2020 when the daughter of the petitioner went to see Sushanta Ghosh in the police station, she found Sushanta Ghosh was lying dead. Thereafter, the petitioner went to the police station and he opined that his son was killed by the police in police lockup in the name of interrogation by the police staffs of West Agartala PS. Accordingly, the petitioner submitted a written complaint to respondent no. 3, when he came to know that no FIR has been registered for commission of murder of his son, and respondent no. 3 has sent the said complaint to respondent no. 4 which was subsequently treated as FIR. It is the belief of the petitioner that his son was brutally and inhumanly tortured by the police in the police lockup. Several initiatives have been taken to save the police officials who were responsible for killing the son of the petitioner in police lockup after severe torture and the police are trying to suppress the truth in the name of investigation. The petitioner on 24.01.2020 appeared before the DM & Collector in connection with magisterial inquiry wherein he submitted that the matter should be handed over to CBI for proper investigation. Thereafter, the petitioner filed a writ petition before this Court

vide no. WP(C) 02 of 2020 and the said case was disposed of by order dated 17.01.2022, but since the grievance of the petitioner was not addressed to, hence, this writ petition.

3. During arguments, Mr. Biswas, learned senior counsel appearing for the petitioner has argued that the police officials are trying to establish a case that the son of the petitioner has committed suicide in the police lockup. Learned senior counsel has also argued that his son was inhumanly tortured and harassed by the police in the police lockup leading to his death. Learned senior counsel has also argued that though the son of the petitioner was not connected with any offence but he was arrested by the police illegally. Learned senior counsel has further argued that it is revealed from the report of Magisterial Inquiry dated 29.06.2020 submitted by the DM & Collector, West Tripura that the son of the petitioner was tortured by the police in the lock up which is also specifically mentioned in the medical report. Learned counsel has lastly submitted that the petitioner is entitled to monetary compensation from the respondents who are responsible for death of his son. Learned senior counsel in course of argument has submitted that in an identical case vide no. WP(C) 797 of 2021 [titled as Rasheda Khatun vs. State of Tripura and others], this court has considered/granted monetary package in similarly based situation, and aggrieved by the said order, the Government of Tripura has preferred an SLP before the Hon'ble Supreme Court and the Hon'ble Supreme Court has dismissed the said SLP upholding the judgment holding that the State is liable to pay compensation.

4. Refuting the submissions of learned senior counsel, Mr. D. Bhattacharjee, learned GA has submitted that the petitioner has not

submitted any representation to the State-respondents seeking certain reliefs, and prayed for dismissing the instant writ petition.

5. We have heard learned counsel appearing for the parties. We have also carefully perused the record.

6. From the record it is evidently clear that there is no proof that the petitioner has submitted any representation to the State-government claiming any monetary compensation in regard to death of his son. In the earlier litigation also the petitioner without claiming any monetary relief only has sought for proper investigation of the case which was subsequently closed.

7. However, without going into the merits of the case, the instant writ petition stands disposed. The petitioner is given liberty to approach the respondents by submitting representation in support of his claim alongwith all relevant documents including the judgment, the learned senior counsel has placed reliance upon. On receipt of the same, the respondents shall take a pragmatic view into the matter and shall dispose of the same with a reasoned order within a period of 3 (three) months from the date of receipt of such representation.

Pending application(s), if any, also stands disposed.

**JUDGE**

**CHIEF JUSTICE (ACTING)**