

**HIGH COURT OF TRIPURA
AGARTALA**

W.A. No.159 of 2023

Gopal Chandra Roy, S/O. Lt. Brajabashi Roy, Resident of Jagaharimura, Near Ramthakur Sangha, P.S.-East Agartala, Agartala, West Tripura, Pin-799001.

..... Appellant(s).

V E R S U S

1. The State of Tripura, To be represented by the Principal Secretary, Department of Home, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, Agartala, West Tripura, PIN-799006.

2. The Director General of Police, Govt. of Tripura, O/o the DGP, Akhaura Road, Agartala, West Tripura.

3. The Superintendent of Police, West Tripura, Govt. of Tripura, O/o the S.P., West Tripura, Akhaura Road, Agartala, West Tripura, PIN-799001.

4. The Dy. Superintendent of Police, Govt. of Tripura, Agartala, West Tripura, PIN-799001.

5. The Officers in Charge, East Agartala Police Station/NCC Police Station, Government of Tripura, Agartala, West Tripura.

..... Respondent(s).

For Appellant(s) : Mr. Purusuttam Roy Barman, Sr. Advocate,
Mr. Samarjit Bhattacharjee, Advocate,
Mr. Kawsik Nath, Advocate.

For Respondent(s) : Mr. S.M. Chakraborti, Advocate General,
Mr. Kohinoor N Bhattacharyya, G.A.,
Mr. Raju Datta, P.P.,
Ms. Pinki Chakraborty, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

CAV reserved on : **10.12.2025.**

Judgment delivered on : **06.01.2026.**

Whether fit for reporting : **NO.**

JUDGMENT & ORDER

(M.S. Ramachandra Rao, C.J.)

Heard Mr. Purusuttam Roy Barman, learned senior counsel assisted by Mr. Samarjit Bhattacharjee, counsel appearing for the appellant

and Mr. S.M. Chakraborti, learned Advocate General assisted by Ms. Pinki Chakraborty, counsel, as well as Mr. Raju Datta, Public Prosecutor appearing for the respondents-State.

2. This Writ Appeal is preferred against the judgment dt. 13.09.2023 of the learned Single Judge in WP(C) No.645 of 2020.

The background facts:

3. The appellant is a former Member of the Legislative Assembly who also served as a President of Indian National Congress Political Party, Tripura Pradesh Committee and who had been a leader of the Congress Legislature Party.

4. In the writ petition, he claimed compensation of Rs.10 lakhs as a public law remedy for alleged violation of his fundamental right to free movement and expression, right to privacy, right to life and right to liberty guaranteed under Art.19 and 21 of the Constitution of India.

5. The cause of action for making such a claim arose out of a search made by the police personnel of his residence on 5.4.2020 around 2.45 pm till 6.15 pm during the Covid-19 Pandemic in connection with investigation of NCC P.S. Case No.2020 NCC 052 dt.5.4.2020 under sections 469/120B IPC.

6. The said FIR had been lodged against the appellant by Arabinda Deb, Additional Public Prosecutor alleging that the appellant, on his forged letter head containing the State Emblem of India, with an intention to harm the reputation of the then Chief Minister Sri Biplab Kumar Deb, had lodged a complaint before the Superintendent of Police, West Tripura District against the latter on 4.4.2020.

7. In that complaint, the appellant alleged that the then Chief Minister of the State of Tripura by name Biplab Kumar Deb had allegedly given false, fake and irrelevant information through media regarding Covid-19 contamination in Manipur and Karimganj, causing panic in the State of Tripura. The appellant had invoked Sections 182, 505(1)(b) of the Indian Penal Code (IPC, for short) before the NCC Police Station. However, no FIR was registered on his complaint against the said person.

8. The respondents state that they did not find any sufficient ground to enter on an investigation as regards the complaint made by the appellant. A communication Annexure A dt.12.4.2020 was addressed to appellant by the Officer-in-Charge, New Capital Complex Police station, West Tripura, Agartala.

9. The respondents also contend that the then Chief Minister had taken concrete steps to curb the Covid-19 spread in the State of Tripura.

10. The respondents contend that in connection with the NCC P.S. Case No.2020 NCC 052 dt.5.4.2020 under sections 469/120B IPC, a search was made of appellant's residence on 5.4.2020. During the search the Investigating Officer seized 10 blank pads having letterheads with the National Emblem printed on them. As the appellant was a Senior Political leader, sufficient male and female police personnel accompanied the Investigation Officer to assist him to avoid any untoward law and order situation occurring. They stated that even during search, Covid-19 protocol was strictly followed.

11. They denied that gate of the appellant's house was locked from inside by police personnel, that no one obstructed entry into appellant's house,

that there was no restriction on appellant's movement or taking of food, and no mental pressure was created upon him to withdraw the complaint he had lodged against the then Chief Minister.

12. It has come on record that the Police had filed an application dt.5.4.2020 before the Judicial Magistrate, First Class, Court No.1, Agartala seeking a search warrant to search appellant's house in relation to NCC P.S. Case No.2020 NCC 052 dt.5.4.2020 under sections 469/120B IPC, but the said Court adjourned the matter to 6.4.2020, and it was dismissed on 6.4.2020 holding that basic requirements as mandated under sections 91 and 93 of Cr.P.C were not fulfilled, that issuance of search warrant affects rights and liberty of an individual and brings disrepute to person whose residence is to be searched. There appears to be no challenge to this order by the respondents.

13. The respondents also rely on the State Emblem of India (Prohibition of Improper Use) Act, 2005 and contend that the State Emblem of India (Regulation of Use) Rules, 2007 prohibited former Members of Legislative Assemblies from using the National Emblem and makes it punishable by imprisonment and fine.

14. The Single Judge held that there were disputed questions of fact and it is desirable for the appellant to approach the Civil Court seeking compensation, and this Court cannot express any opinion that the respondents-Police officials have violated the law.

15. Though Counsel for the appellants has sought to contend that the judgment of the learned Single Judge is erroneous, we are not inclined to agree with the said contention. We agree with the view expressed by the learned Single Judge in so far he directed the appellant to approach the Civil

Court for seeking compensation. We do not deem it appropriate to comment on the correctness of the order passed on 6.4.2020 by the Judicial Magistrate (First Class), West Tripura, Agartala as commenting either way might prejudice either the appellant or the respondents.

16. So the Writ Appeal is dismissed. If the appellant approaches the competent Civil Court seeking compensation, the said Court shall decide the issues of fact and law uninfluenced by any observations made by the learned Single Judge or by this Bench in this order. No costs.

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

(S. DATTA PURKAYASTHA, J) (M.S. RAMACHANDRA RAO, CJ)

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