

18/03/2021
Item 8 (t)
Court No.1.
AB/S DE

Through Video Conference

W. P. A. 2886 of 2020

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Samiran Molla

Vs

The State of West Bengal & Others

Mr. Sovan Bera,
Ms. Puja Beriwal ...for the Petitioner.

Mr. Rana Mukherjee, Ld. APP,
Md. Sabir Ahmed ...for the State.

In view of Item 8 in the Appellate Side List of Causes of this Bench (Chief Justice Thottathil B. Radhakrishnan and Justice Aniruddha Roy), we have assembled at 1 o'clock following information that the State Authorities have two persons in custody and they are presented before this Court in furtherance of the order dated 4th March, 2021. The persons, who are so brought to this Court and presented through the Advocate Rana Mukherjee for the State are (1) Sanjay Das, son of Gopal Das, 25, Ajay Nagar, M. M. Ghosh Road, Dum Dum, Kolkata – 700 074, (2) Mahammad Billal @ Bilal Molla, son of Mahammad Manik Molla, Chakkar Ki Milak, Zyarat Shat Bulaki, Mukarrabpur, Moradabad, Uttar Pradesh – 244 001.

It is submitted by Advocate Rana Mukherjee on behalf of the State that out of the two persons, who are

produced today, one was apprehended yesterday while the other has been remanded to custody by the Jurisdictional Court.

He further submits that the person, who has been apprehended yesterday, is being produced before the Jurisdictional Magistrate today itself.

Having regard to the aforesaid, we are satisfied that the direction for arrest and production before this Court is achieved and the Jurisdictional Police and the Jurisdictional Criminal Court will deal with them in accordance with law.

We also record that the Advocate Rana Mukherjee on behalf of the State has told us that Basanti Police Station Case No.43/20 Dated 19.01.20 under Sections 363/365 of the Indian Penal Code is taken and the order of remand of one person has been made by the learned Additional Chief Judicial Magistrate, Alipore. We leave it to the Jurisdictional Police and the Criminal Court to do the needful in accordance with law.

The learned Counsel for the petitioner submits that after the issuance of the previous order and the consequential arrest, his client Samiran Molla is getting threatening calls over phone from certain parts of India and also from abroad. We direct respondent nos.2 to 4 to do the needful to provide the petitioner requisite protection, as may be found necessary in the

assessment of the 4th respondent, Superintendent of Police.

The report signed by the Special Superintendent of Police (Special), C.I.D., West Bengal on 18.3.2021 is placed on record. We have perused it. That report is taken on board. Paragraph 3.15 of that report reads as follows :

“A letter has been sent to The Special Secretary, Foreigners Branch, Home and Hill Affairs Department, Govt. of West Bengal, Writers Building, Kolkata 700001 with a request to move CPV (Consular Passport Visa) Division, Ministry of External Affairs, Govt. of India to convene a meeting with Police Attache /member of High Commission of Bangladesh in India for location and repatriation of Mohammad Hamja Ali Molla s/o Mohammad Bilal Molla and Samiran Molla on 16.03.2021 as per extant rules and procedures between the two countries.”

We direct the Special Secretary, Foreigners Branch, Home and Hill Affairs Department, Government of West Bengal, to take up requisite follow-up action on what has been recorded above from the report of the Special Superintendent of Police.

In the light of the aforesaid, no further orders are called for in this writ petition. The same is, accordingly, disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

[Thottathil B. Radhakrishnan, C.J.]

[Aniruddha Roy, J.]