

05-10-2021
ct no. 13
Sl.28
sp

WPA 8198 of 2021
Sri Abhijit Mukherjee & Ors.
-Versus-

The State of West Bengal & Ors.
(Via Video Conference)

Mr. Shankha Shubhra Mukherjee,
Ms. Barnali Saha
...for the petitioners

Mr. Somenath Basu
....for the State

In terms of the order dated September 15, 2021, report has been filed by the Officer-in-Charge, Bhowanipore Police Station. The said report indicates as follows:

“In course of enquiry independent residents of the concerned area who are acquainted with the facts namely (1) Madan Shaw (48), Son of Jamna Shaw; (2) Vinod Roy (48), Son of Late Biswanath Roy; (3) Tapasi Roy (37), Wife of Vinod Roy and (4) Chotu Singh (38), Son of Lt Shib Kumar Roy all resident of 28, Ananda Banerjee Lane, Kolkata 700020, Police Station Bhowanipore were enquired and it was learnt that the respondent Number 4 resides at a room on the top floor of the premises situated at 28, Ananda Banerjee Lane, Kolkata 700020, Police Station Bhowanipore and the writ petitioners lives in the consecutive floors down below. He exhibited signs of violence and unnatural behaviour since his wife left with his son. He often throws different articles viz. flower tubs, water etc. down and shouts aloud standing on the roof. He is also seen to come at the nearby market and drink cold drinks and buy different items including vegetables. He also appears to be a chain smoker and is also seen smoking cigarettes after cigarettes standing on the roof irrespective of the weather and time. He is often heard shouting at the top of his voice and none has seen him to come down

from his room except for marketing purpose. This police station is ready to assist the writ petitioners if they arrange to admit the respondent Number 4 at any health facility of their choice.”

In view of the above, this Court is of the view that the procedure prescribed under the Mental Health Act, 2017, inter alia Section 100 onwards thereof must be resorted to by police immediately.

It shall be ensured that that the procedure prescribed and the relevant Rules are strictly complied with by the Bhowanipore Police Station.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)