

02.07.2021

Ct. No.13

Sl. No.65

pk/akd

W.P.A. 10823 of 2021 [via video conference]

[Afjal Ali Sha @ Abjal Shaukat Sha -Vs- The State of West Bengal & Ors.]

Mr. Sourav Chatterjee

Mr. Aniruddha Bhattacharya

Mr. Aditya Tiwari

... .. for the petitioner

Mr. Anirban Ray .. Ld. Govt. Pleader

... .. for the State

Affidavit-of-service filed in Court be kept with the record.

It is submitted by the learned Government Pleader that the authorities have always provided one armed police constable to protect the writ petitioner. There may have been some days when the constable may have taken leave but the security cover of the petitioner is continuing.

Mr. Sourav Chatterjee, learned counsel appearing for the petitioner, confirms that the security personnel, who was not there for a few days, has been posted back since yesterday.

Insofar as the prayer of the writ petitioner that he may be given further additional security personnel, this Court is of the view that it is within the domain of the authorities to determine the degree of threat based on which the protection and number of personnel for such purpose is determined.

Hence, it is ordered that the security cover of the writ petitioner shall be reviewed every three months to determine the threat perception and security may be suitably altered.

Insofar as the other witnesses in the charge-sheet are concerned, it is submitted by Mr. Chatterjee, learned advocate

appearing for the writ petitioner, that the Investigating Officer in this matter has already been threatened and a witness has been abducted on the way to Court where the trial is taking place. Learned Government Pleader shall ensure appropriate protection to the witnesses in the instant case immediately.

It is submitted by the learned Government Pleader that a Scheme for witness protection is in the process of being put in place by the State and consultations are on with the stakeholders.

The writ petition shall stand disposed of.

It is made clear that the writ petitioner may approach the court afresh in the event of any changed circumstances.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)