

01.12.2022
Court No.13
Item No.2
pk

WPA 4543 of 2022
Sekh Sarabat Ali
Vs.
Union of India and Ors.

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Badrul Karim

... For the Petitioner.

Mr. Amal Kumar Datta

... For the UOI.

Mr. Subhabrata Datta

... for the State.

Mr. Billwadal Bhattacharyya,
Mr. Debasish Tandon

... for the NIA

Supplementary affidavit filed by the petitioner is
taken on record.

Mr. Datta, learned advocate for the State,
submits that charge sheet has been filed in the matter.
A copy of the charge sheet has been handed over to the
advocate for the petitioner and the same is taken on
record.

Mr. Datta further places before this Court a
communication from a designated Officer of the State
of West Bengal under Section 6(3) of the NIA Act to the
STF, West Bengal. As to whether the STF has
forwarded the information to the Central Government,
is not clear.

This Court directs that charge sheet as well as
the copies of any evidence collected by the Amta Police
Station to be forwarded to the National Investigating

Agency and the Secretary, Ministry of Home Affairs, Central Government, directly within a period of seven days from date.

Mr. Datta however submits before this Court that the above direction may be in derogation of Section 6(3) of the NIA Act since the State is required to forward the information to the Central Government first and it is the Central Government, who shall decide as to whether the matter should be investigated by the NIA or not.

This Court is of the view that given the allegations against the investigation by the Amta Police Station already made in the writ petition and the pleadings filed herein and across the bar and the delay in informing the Central Government. The NIA may take a suitable decision in the matter with appropriate concurrence and guidance of the Ministry of Home Affairs, Central Government.

Mr. Sabyasachi Chatterjee, learned advocate appearing for the petitioner, assails the investigation of the Amta Police Station. It is submitted that a deliberate attempt has been made by the local MLA, Dr. Nirmal Majhi to sabotage the investigation and destroy the evidence. It is submitted that by the time the belated investigation by the Amta Police started, one victim had come to Calcutta for treatment and had stated that he sustained injuries as a consequence of explosion of gas cylinder. The said person is in fact a

victim of the bomb blast, according to Mr. Chatterjee. The said victim is the son of the writ petitioner.

The aforesaid facts shall be considered both by the Central Government and the NIA and a suitable decision may be taken.

For the aforesaid purpose, the petitioner may forward the copies of pleadings and any additional communications and information from his side to the Central Government and the NIA.

The Central Government and the NIA shall take suitable decision in the matter in accordance with law.

The petitioner's rights under Section 173(8) of the Cr. P. C. are kept preserved for being pursued. The prayer for transfer of investigation to C.B.I. has not been dealt with in this writ petition and is left open to be agitated by the petitioner in appropriate proceedings.

The writ petition is disposed of.

There will 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.)