

July 11, 2022
Sl. No.6-12
Court No.1
PA(SS)

WPA (P) 130 of 2022
and
CAN 1 of 2022

The Court on its own Motion
In re: The Brutal Incident of Bogtui Village,
Rampurhat, Birbhum

With

WPA (P) 124 of 2022

Anindya Sundar Das
vs.
Union of India and others

With

WPA (P) 125 of 2022

Tarunjyoti Tewari
vs.
Union of India and others

With

WPA (P) 126 of 2022
and
CAN 2 of 2022

Priti Kar
vs.
The State of West Bengal and others

With

WPA (P) 129 of 2022

Sayanti Sengupta
vs.
The State of West Bengal and others

With

WPA (P) 133 of 2022

Priyanka Tibrewal
vs.
Union of India and others

With

WPA (P) 138 of 2022
and
CAN 1 of 2022

Bharatiya Shanti Dal and another
vs.
The State of West Bengal and others

Mr. Sabyasachi Chatterjee,
Mr. Sayan Banerjee,
Mr. Badrul Karim,
Ms. Priyanka Paul, Advocates
... for the added party in
CAN 1 of 2022 in WPA (P) 130 of 2022

Mr. Phiroze Edulji,
Mr. Debapriya Samanta,
Mr. Samrat Ghosh, Advocates
... for the petitioner
in WPA (P) 124 of 2022

Mr. Koustav Bagchi,
Mr. Debayan Ghosh, Advocates
... for the petitioner
in WPA (P) 126 of 2022

Mr. Suman Sengupta,
Mr. Puspall Chakraborty,
Mr. Prisanika Ganguly, Advocates
... for the applicant
in CAN 2 of 2022 in WPA (P) 126 of 2022

Ms. Priyanka Tibrewal
... Petitioner in-person
in WPA (P) 133 of 2022

Ms. Amrita Pandey, Advocate
... for the Union of India

Mr. Shailendra Kumar Mishra,
Mr. Bikash Kr. Singh,
Mr. Sunil Gupta, Advocates
... for the CBI
in WPA (P) 125 of 2022

Mr. Billwadal Bhattacharyya, Id. Asst. Solicitor
General of India
Mr. Debu Chowdhury,
Mr. Samrat Goswami, Advocates
... for the CBI

Mr. S. N. Mookherjee, ld. AG
Mr. A. Ray, ld. GP
Md. T. M. Siddiqui, ld. AGP
Mr. D. Ghosh,
Mr. N. Chatterjee, Advocates

... for the State

This bunch of petitions relate to the incident which took place at late night on 21st of March, 2022. In that incident, miscreants had put on fire 10 houses of the village in which at least 8 persons including a child, women and newly married couple were burnt alive.

WPA(P) 130 of 2022 was registered by this Court on its own motion and other connected writ petitions concerning the incident were entertained and tagged. This Court by order dated 25th of March, 2022, having regard to the nature of incident and considering the surrounding circumstances, had handed over investigation to the CBI.

Thereafter an issue was raised before this Court that the above incident was counter-blast of murder of one Bhadu Sk who was Upa-Pradhan allegedly belonging to the ruling party of the State and both the incidents had taken place within a gap of two hours and there was a close relationship and linkage between the two incidents as both incidents form part of common conspiracy and continuous cause of action.

The prayer made to this Court to direct the CBI to investigate the murder case of Bhadu Sk along with the investigation of the incident of Bogtui house burning case

was allowed. Thereafter the CBI has conducted investigation in both the cases.

Learned Counsel appearing for the CBI has pointed out that the investigation in both the cases is over and the charge sheet has been filed in both the cases before the Additional Chief Judicial Magistrate, Rampurhat, Dist. Birbhum. He has also pointed out that since some of the accused were juvenile, therefore, the charge sheet before the Principal Judicial Magistrate, Juvenile Justice Board, Suri, Dist. Birbhum has been filed against them.

In view of the aforesaid development, the main relief prayed by the petitioner has been granted.

In WPA(P) 126 of 2022, CAN 2 of 2022 was filed with the allegation that some of the members of one of the political party had constituted a fact finding committee and it was alleged that parallel investigation was not permissible. Learned Counsel for the applicant does not dispute that in view of the fact that investigation has been concluded by the CBI and charge sheet has been filed, nothing survives in CAN 2 of 2022, which is accordingly dismissed.

In view of the aforesaid, WPA(P) 124 of 2022, WPA(P) 125 of 2022, WPA(P) 126 of 2022, WPA(P) 129 of 2022, WPA(P) 133 of 2022, WPA(P) 138 of 2022 and the connected applications therein are disposed of.

The only surviving application is CAN 1 of 2022 filed in WPA(P) 130 of 2022 wherein it is stated that there are

some villagers who till date are unable to return to their houses. Names and details of as many as 15 villagers have been disclosed in the application, who require confidence and assistance of the administration to return back to their home.

Learned Advocate General has assured that they will be provided protection and has also submitted that out of these 15 persons, 12 are staying in their house at Bogtui and 3 have been residing in the adjoining village as their houses have been damaged in the incident. He also submits that video footage of conversation of these villagers is also available and seeks two weeks' time to file response to the application as also seeks instructions about the stand of the State on the plea of seeking help in getting their houses repaired.

List CAN 1 of 2022 in WPA(P) 130 of 2022 on 22nd of August, 2022.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]