

14.06.2022
Court No. 19
Item no.42
CP

WPA No. 5989 of 2022

Satya Ranjan Sil @ Sona Sil
Vs.
The State of West Bengal & ors.

Mr. Joy Saha, Sr. Advocate
Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. A. Banerjee

....for the petitioner.

Mr. Subhabrata Datta, Sr. St. Counsel
Mr. B. Datta

....for the State.

The writ petition has been filed for the following reliefs:

- a) The petitioner and his family members be escorted back to his residence at Millan Pally, Bakul Tala Lane, Police Station – Chinsurah.
- b) That police posting be permitted at the residence of the petitioner for a month, at petitioner's own cost.

The petitioner submits that pursuant to post-poll violence, the petitioner was compelled to leave his residence and reside elsewhere, with his family members. The petitioner desires to go back to his residence but apprehends that his life may be in

danger in view of the political rivalry which is still alive between the petitioner and some of the residents of the village. Further prayer is made that at least for a month a police posting be ensured at the residence of the petitioner and costs shall be borne by the petitioner.

The petitioner has relied upon an order passed by the Commissioner of Police, Chandannagar Police Commissionerate dated March 19, 2022 from which it appears that the Commissioner, although did not find that there was any threat perception on the petitioner and his family members, yet the authority was of the view that taking into account the pending criminal cases, the possibility of some sort of threat at a given point of time, could not be ruled out.

Reliance is also placed on a Division Bench judgment of this court. It appears that the Division Bench had directed that the Commissioner, Chandannagar Police Commissionerate must extend police protection to the petitioner and his family members so that they could return to their residence. Protection, free of cost for the initial period was directed to be given by the Commissioner, upon considering the threat perception. Thereafter, the petitioner was permitted to pray for further police protection upon payment of cost.

The petitioner is aggrieved because the Commissioner passed an order which was allegedly self-contradictory and, as such the writ petition has been filed.

The IC, Chinsurah Police Station, Chandannagar Police Commissionerate has submitted a report before this court, from which it appears that the petitioner has criminal antecedents and several investigations and cases are pending against the petitioner. The allegations against the petitioner are serious. It has been stated that the petitioner moves around with armed body guards who intimidate people and also the police. The petitioner has kept 8 to 9 hired bouncers with him as his body guards, who have licensed guns. Further protection to the petitioner would not be required under such circumstances.

Learned advocate for the State submits that based on the report of the IC, Chinsurah Police Station, no further protection would be necessary to be granted to the petitioner. The criminal antecedents of the petitioner could not be ruled out and such prayer for police protection was an indirect way of putting pressure on the police authorities and preventing them from discharging their duties, independently.

Having considered the rival contentions of the parties, this court is of the view that as per the direction of the Hon'ble Division Bench, the petitioner and his family members must be escorted back to the residence at the village situated at Millan Pally, Bakul Tala Lane, Police Station – Chinsurah.

The petitioner and his family members along with only two bodyguards shall approach the IC, Chinsurah Police Station, Chandannagar Police Commissionerate on June 16, 2022 at 11 am, so that a team consisting of police personnel may escort the petitioner and his family members along with two of his bodyguards into the said residence. No other bouncers or body guards shall be permitted.

The team which would escort the petitioner shall remain in the vicinity upto 6.00 p.m. on that day in order to ensure that the petitioner is not disturbed. The Commissioner shall grant police posting for a month at the residence of the petitioner upon payment of cost to be borne by the petitioner. Such cost shall be assessed by the Commissioner.

Needless to mention, that as there are innumerable cases against the petitioner and as there is a colour of political rivalry in the case in hand, the police authority shall maintain continuous vigil and patrolling in the locality where the petitioner resides.

The other criminal investigations and cases which are pending against the petitioner shall continue and be disposed of independently. This order shall not prevent the police authorities from acting in accordance with law.

The assessment of the threat perception which was made did not rule out the possibility of threat perception in future. Admittedly, the petitioner has enemies and any bodily harm to him may cause further law and order problems and political unrest. Hence this limited order is being passed.

This direction is only to ensure that the petitioner and his family members are not caused any injury by the opponents or the rival parties. The right of the police to investigate and take appropriate steps as are permitted under the law is neither curbed nor interfered with, by this order.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)