

S/L 11
28.07.2022
Court. No. 19
GB

WPA 8492 of 2022

Selim Pahalowan & Ors.
VS
The State of West Bengal & Ors.

Mr. Samiran Mandal,
Mr. Abhinaba Das.

...for the Petitioners.

Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee.

...for the State.

The petitioners claim police protection. According to the petitioners, the police authorities of Krishnanagar Police Station must be directed to accompany the petitioners back to their respective residence at village – Beliara and Dejhat under the Bishnupur police station, district – Bankura. According to the petitioners, some local villagers and some influential groups of persons had brutally beaten up the petitioners after the assembly election in 2021, which compelled the petitioners to leave the two villages.

It appears that sometime in 2018, a dispute arose between two groups of persons in the said area over the election of the Pradhan of Uliara Gram Panchayat. A person was also murdered. Bishnupur Police Station Case No.78 of 2020 dated August 2, 2020 under Sections 147/148/149/302/120B of the Indian Penal Code read with Section 9(b)(ii) of the Explosive Substances Act, 1884 was registered.

It is alleged that the local police station remained a silent spectator. Whenever the petitioners were brutally assaulted and tortured by the rival groups, the police

authorities did not take steps. The petitioners wish to return to their villages, but the police authorities have not assisted them in this regard.

The learned advocate for the petitioners submits that the police authorities must assure protection of the petitioners.

It appears that some of the petitioners have already returned to their villages. Law and order is being maintained by the police authorities and there is no allegation of further violence. A police camp has been set up in the village.

The police report is taken on record. It appears that there are two groups of the same community in the villages and there is a long standing dispute pending over local control of the area. Several cases and counter-cases were reported by both the groups against each others and the police authorities had taken steps in this regard. Reference has been made to the following cases:-

- 1) Bishnupuur Case No.61 of 2018
- 2) Bishnupuur Case No.124 of 2019
- 3) Bishnupuur Case No.280 of 2019
- 4) Bishnupuur Case No.32 of 2020
- 5) Bishnupuur Case No.39 of 2020
- 6) Bishnupuur Case No.77 of 2020
- 7) Bishnupuur Case No.78 of 2020

All these cases resulted with the filing of the charge-sheets and the trials are pending. On August 1, 2020, the ex Pradhan, Sk. Babor Ali @ Bablu was killed by a group of people, which the police found upon investigation to be allies of the petitioner no.1 and his supporters. The investigation resulted with the filing of a charge-sheet. There were 20 FIR

named accused persons and the names of 30 to 40 other persons transpired during investigation, 15 persons were arrested, 5 persons surrendered and obtained bail. The petitioner no.1 and his associates are history sheeters and several cases have been initiated against them.

After the assembly election, on the basis of the complaint of the petitioners, Bishnupur Police Station Case No.54 of 2021 was registered and upon completion of the investigation, charge-sheet against all the FIR named accused persons have been filed. The police report specifically indicates that on May 30, 2021, the petitioners along with his accomplices being armed with deadly weapons attacked the police camp and also terrorized the entire village by hurling bombs. The villagers were attacked at their residences. The police took control of the mob, held raids and arrested 7 persons out of 30 to 40 miscreants. Most of them surrendered before the learned court. This refers to Bishnupur Police Station Case No.67 of 2021 dated May 30, 2021. During investigation, 18 live crude bombs in a wooden box was found from the house of one Sabur Mondal, the petitioner no.37. Some of the family members of the petitioner no.1 and some others are already in the villages. Most of the petitioners were FIR names accused and charge-sheets have been submitted. A police camp has been set up for the protection of the villagers from the two rival groups, who belong to the same political party operating under the Uliara Gram Panchayat.

Having considered the aforementioned police report and the state of affairs, this Court declines to pass any order in favour of granting police assistance to the remaining petitioners to be escorted back to their village. The Court is of the view that passing a protective order of such nature, would empower the petitioners to go back to the village and create a similar law and order problem, which had been created earlier. The police camp was also attacked and bombs were hurled. The complicity and the culpability of the petitioners in the respective cases are matters of trial. However, for the protection of the village, the Court cannot perpetuate further disturbance when the police authorities have placed the facts with regard to the multiple cases and charge-sheets, which are pending against the majority of the petitioners. The villagers have to be protected and any order that is passed in this proceeding on the prayer of the petitioners seeking protection and assurance of the police, while they continue their regular activities in the village, is perceived to create further law and order problem and disturbance in the village.

The police authorities shall continue their vigil in the two disturbed villages.

Let a copy of the report be handed over the petitioners.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)