

S/L 5
6.7.2022
Court. No. 19
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WPA 9471 of 2020

Dhritarastra Dutta
Vs.
The State of West Bengal & Ors.

Mr. Uday Shankar Chattopadhyay
Mr. Pronoy Basak ... for the petitioner

Mr. Raja Saha
Ms. Piyali Sengupta ..for the State

The petitioner claims to be a Journalist of a local newspaper popularly circulated in Bengal area under the name 'Sambad Titumeer'.

It is the specific contention of the petitioner that as the petitioner exposed various illegal activities of some persons in the locality and had published news items, the petitioner was falsely implicated in many criminal cases. It is alleged that the local advocates and the police had colluded in implicating the petitioner in all the above cases, without following the due process of law.

The petitioner prays for transfer of the investigation with regard to his complaints, to the Criminal Investigation Department, West Bengal.

According to the petitioner, some advocates of Barrackpore court had assaulted the petitioner and had also forced the petitioner to sign a bail bond. The signature of the learned Additional Chief Judicial

Magistrate was forged. Such document is annexed at page 83 to the writ petition.

It is next contended that on an earlier occasion when the petitioner had reported about certain illegalities committed by some advocates and had published news items, the petitioner was assaulted by the advocates in the compound of the Barrackpore Court. It is further alleged that when the petitioner surrendered before the learned Judicial Magistrate and had prayed for bail, the petitioner was again assaulted by the advocates. Complaints were lodged before the Officer-in-Charge, Barrackpore Police Station, the Director General of Police, West Bengal as also before the Barrackpore Police Commissionerate. Such complaints have been annexed to the writ petition at pages 219 to 226.

The allegation is that the police authorities have not investigated the complaints filed by the petitioner in a judicious, independent and impartial manner.

This writ petition has been filed for transfer of the investigations of the cases registered on the complaints of the petitioner, to the Criminal Investigation Department, West Bengal. The petitioner has not pointed out specific flaws in the investigation.

The allegation of the petitioner is that the incidents which were complained of by the petitioner

and which had taken place in the compound of the Barrackpore Court will not be investigated properly.

It is submitted by Mr. Raja Saha, learned advocate for the State respondents, that on the basis of the complaints filed by the petitioner, Barrackpore Police Station Case no. 93 dated July 11, 2019 under sections 341/323/325/354/506/34 of the Indian Penal Code, had been registered. After completion of the investigation, Charge-Sheet vide Barrackpore Police Station Charge sheet no. 97/2019 dated August 28, 2019, had been submitted. The matter is pending trial. He further submits that another complaint had been filed by the petitioner before Ghola Police Station and Ghola Police Station Case No. 174 of 2019 dated May 11, 2019 under sections 448/323/325/354/34 of the Indian Penal Code had been registered. Upon completion of the investigation, Charge-Sheet vide Barrackpore Police Station Charge-sheet no., 526 of 2020 dated November 30, 2020 had been submitted. All the cases are pending trial. The police authorities have investigated into the complaints lodged by the petitioner, and have filed charge sheets.

It is submitted by Mr. Saha, that the petitioner is an accused in several criminal cases. These cases have been registered under different police stations. All of them have culminated in filing of Charge Sheets. Allegations are of extortion, sexual harassment of

women and assault to minor girls under the POCSO Act etc.

Thus, the allegation that the investigation would not be completed, is not substantiated. Charge sheets have been filed in respect of both the complaints lodged by the petitioner. The petitioner has the liberty under the law, to approach the learned jurisdictional Magistrate, if he feels that there are defects in the charge sheets or in the investigation.

As the petitioner has urged that there was tampering of records in the learned Court below and the signature of the learned Magistrate, had been forged on the bail bond, such issue shall be enquired into by the learned jurisdictional Magistrate. If the petitioner lodges a specific complaint with regard to such irregularities, the learned Magistrate shall enquire into the same and pass necessary orders.

The police authorities shall ensure that the petitioner is safe, whenever he is required to attend the Barrackpore Court, during trial.

These observations are for the purpose of disposal of the writ petition and they shall not have any impact on the pending trial. The other remedies of the petitioner before the learned court below, are kept open.

This writ petition is disposed of.

The police report is taken on record.

There will be, however, 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.)