

04 20.04.2023
RP Ct. No. 01
AN

MAT 95 of 2023
with
IA No. CAN 1 of 2023

The State of West Bengal through
the Principal Secretary, Home Department & ors.
Vs.
Pintu Mondal

Mr. Amitesh Banerjee, learned senior counsel
Ms. Ipsita Banerjee
Mr. Suddhadar Adak

... For the appellant State

1. Though the respondent has been served and affidavit of service has been filed, none appears on behalf of the respondent today.

2. We have heard learned senior counsel representing the appellant State. It is submitted that in an earlier writ petition filed by the respondent/writ petitioner direction was issued to the writ petitioner to lodge a complaint in the event that there is a threat perception and thereafter the matter to be considered as to whether the police protection has to be given to him or not. In WPA 7139 of 2020 dated 11.02.2022, the said order is quoted hereinbelow:

“The State shall provide a detail account of all costs receipts towards police protection of the petitioner and the amounts against the number of security personnel deployed and expenses incurred towards such security. Relevant and appropriate guidelines of the State may also be referred to for the purpose of justification of the said deployment, adjustment and expenses.

The petitioner complains that the threat perception continues. The petitioner may lodge appropriate complaint before the concerned police station in this regard.

The petitioner shall also be entitled to deploy his own security.

The contempt application shall stand disposed of.

In view of the disposal of the contempt application all connected applications are also disposed of.

Interim orders, if any, shall stand vacated.

There will be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.”

3. In the present writ petition, the petitioner seeks for consideration of his representation dated 16.06.2022, 25.07.2022 and 19.10.2022 and provide security to him and his wife for visiting their native place in West Bengal, to direct the respondent nos. 2, 3 and 4 in the writ petition to provide particulars of all cases registered against the writ petitioner's husband and date of the order etc; to initiate an enquiry against the Inspector-in-Charge, Police Station Raipur, Bankura for intentional and willful disobedience for order and direction of this Court. In the said writ petition, an interim order was passed on 13.08.2021 which is to the following effect:

“The writ petitioner has diverse complaints against the police.

Counsel for the State submits that there are many criminal proceedings pending against the petitioner. Bail has been granted to the petitioner by the Hon'ble Supreme Court.

The petitioner and her husband shall be entitled to visit kolkata and Bankura freely and without any apprehension whatsoever.

In view of the allegations made in the writ application, which are not admitted by the State, this Court is inclined to direct the State to provide sufficient security to the petitioner and her husband to enable them to visit Kolkata and Bankura Hospital and her ailing mother-in-law. The petitioner and her husband may make arrangement to visit Kolkata at any time at their convenience.

The security as directed, shall be provided to the petitioner and her husband by the local Police Station at their request.

For the time being, the date of arrival of the petitioner and her husband shall be communicated to the Commissioner of Police, Kolkata within the next 72 hours. Upon receipt of such intimation, the petitioner and her husband shall be provided a one time due escort from Kolkata to Bankura.

The security to the petitioner and her husband shall be provided at the petitioner's costs, except for the trip from Kolkata to Bankura for the first time.

It is made clear that the petitioner and her husband shall not be arrested without the leave of this Court.

Let this matter stand adjourned and be listed on September 15, 2021."

4. It appears that in terms of the above order security has been provided to the petitioner and her husband at the cost of the petitioner except for the trip from Kolkata to Bankura for the first time. When the matter was subsequently heard by the learned Single Bench, by the impugned order while directing the State to continue to provide security as ordered earlier, the learned writ court has directed that the Director General of Police, CRPF be added as respondents in the proceedings. It is not clear as to why the CRPF has to be added as a party in the writ petition, more particularly, when there was a direction issued to the writ petitioner to file an affidavit detailing all

instances which establish the threat perception and fears of the petitioner. Therefore, until and unless, the same is decided by the learned writ court, the question of adding the CRPF as a party to the writ proceedings may not be necessary. Therefore, that portion of the order dated 05.01.2023 passed by the learned Single Bench is set aside. However, the direction to provide security shall continue till the writ Court decides as to whether there is a genuine threat perception to the petitioner and his wife for which the petitioner has to file an affidavit.

5. Let the writ petition be listed before the learned Single Bench in the first week of May, 2023 for further consideration.

6. With the above directions, the instant appeal and the connected application stand **disposed of**.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)