

03-07-2023

ct no. 13

sl. 18

pk

WPA 5266 of 2023

Anup Kumar Mondal

-Versus-

The State of West Bengal & Ors.

Mr. Kalyan Kr. Chakraborty,
Mr. Kashinath Bhattacharya,
Mr. Vivek Kumar Pandey

...for the petitioners

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas

...for the State

1. The mobile phone of the petitioner has been returned to him. There is no valid explanation as regards the arrest and detention of the petitioner for a period of 21 days by the ACJM, Krishnanagar, Nadia at the instance of the Inspector-in-Charge, Nakashipara Police Station. There is clear violation of the dicta of the Hon'ble Supreme Court in the case of ***Arnesh Kumar v. State of Bihar reported in (2014) 8 SCC 273.*** As to whether the requirement of detaining the petitioner in bailable offences was at all complied with is required to be enquired into.
2. The S.P., Nadia shall conduct an enquiry, if necessary, initiate departmental proceedings against the concerned official of the

Nakashipara Police Station as to under what circumstances the petitioner was detained for 21 days.

3. The District Judge, Nadia shall conduct an enquiry into the circumstances under which the CJM, Krishnanagar, remanded the petitioner in custody for about 21 days in respect of the subject FIR and submit a report to the Registrar General of this Court for considering the initiation of appropriate disciplinary action.
4. Let further proceedings in FIR No. 259 of 2022 be stayed permanently.
5. The petitioner shall communicate this order to the S.P., Krishnanagar, the District Judge, Nadia and the Registrar General of this Court.
6. With the aforesaid observations, the writ petition shall stand disposed of.
7. There shall be no order as to costs.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

