

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

W.P.A. 13831 of 2023

Soumendu Adhikari
Vs.
The State of West Bengal & Ors.

For the petitioner	Mr. Sudipto Moitra, Sr. Adv Mr. Rajdeep Mazumder Mr. Sourav Chatterjee Mr. Moyukh Mukherjee Mr. Soumya Nag
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For the State	Mr. Suddhadev Adak
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Heard on : 12.09.2023.

Judgment on : 12.09.2023.

Jay Sengupta, J.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to immediately inform the petitioner about other criminal cases registered against the petitioner and a direction restraining them to

take any coercive steps against the petitioner in connection with criminal cases that are or might be lodged without leave of the Court till completion of Panchayat Election, 2023.

By an order dated 15.06.2023, a Co-ordinate Bench of this Court, inter alia, directed as follows:

“4. There is merit in the submissions of the State as well as the counsel for the petitioner. In the backdrop of the above, this Court directs the State police to give immediate notice of any FIR that may be registered against the petitioner and no coercive steps shall be taken against him in respect thereof for a period of 15 days therefrom.

5. The window of 15 days notice shall also apply to any proposed coercive action against the petitioner in respect of any other pending FIR.

6. However, any FIR is registered against the petitioner, he undertakes to co-operate with the investigating authority for a period of 2 hours on any given 2 days in a week. Sufficient advance notice shall be given by the Investigating Officer to the petitioner in this regard.”

The interim order so granted was extended from time to time and is valid till 13.09.2023.

A chart of cases filed on behalf of the State is taken on record.

Learned senior counsel representing the petitioner submits as follows. Although the elections are over, the meetings of different committees are still taking place and violence is occurring there. In view of the same, the protection granted earlier may continue for some time. In the alternative, similar protection as was granted earlier may continue for some time, so that the petitioner can take appropriate measures in respect of the criminal cases already filed against him. All

these cases were instituted only after the petitioner shifted allegiance from the ruling political dispensation in the State to the opposition political party. The case at serial no. 1 being Contai PS Case No. 78 of 2022 dated 18.02.2022 has already been quashed by a Co-ordinate Bench of this Court. So far as the other cases mentioned in the chart given by the State today are concerned, the petitioner has already been protected by an interim order passed by a Co-ordinate Bench of this Court in WPA 22757 of 2022.

Learned counsel appearing on behalf of the State submits as follows. A report regarding the pending cases against the petitioner has been submitted as per direction of this Court a copy of which has been handed over to the learned counsel for the petitioner. This is a list of all the cases that are pending against the present petitioner at present. The writ petition was filed by the petitioner for certain reliefs during the Gram Panchayat Elections of 2023. The said elections are already over. Therefore, the protection ought not continue any further.

It appears that the petitioner had prayed for certain reliefs till the conclusion of the Gram Panchayat Election of 2023. The elections are already over. Extending such relief as was granted earlier, beyond such period would go beyond the scope of the writ petition.

However, the petitioner apprehends that more false cases could be started behind the back of the petitioner and the petitioner could be arrested in respect of the same.

It further appears that so far as the live cases mentioned by the State as pending against the petitioner, the petitioner is already enjoying a protection by an order passed by the Co-ordinate Bench of this Court.

In view of the above, it appears that the present writ petition has spent its force.

Therefore, the same is disposed of without any further order.

However, the petitioner shall be at liberty to take appropriate steps, if any, in respect of initiation of further criminal cases.

For contemplating and initiating such steps, in terms of the interim order passed earlier on 15.06.2023 by a Co-ordinate Bench of this Court, for a period of three weeks from this date, the State police shall give immediate notice of any FIR that may be registered against the petitioner and the petitioner shall not be arrested in respect of the same for such period of three weeks. However, in case such an FIR is registered, upon notice, the petitioner shall co-operate with the Investigating Agency in the investigation of the case. As directed earlier, interrogation may be done for a period of two hours on any given day and not exceeding two days in a week, during this period.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)