

30.06.2023.
Court No.13
Supple Item No. 2
ap

W.P.A. No. 15211 of 2023

**Sri Balai Charan Maity & Ors.
Versus
The Union of India & Ors.**

Mr. Soumik Ganguly,
Mr. Ritam Chowdhury,
Mr. Somnath Nandy.

...For the petitioners.

Mr. Ashok Kumar Chakrabarti, Id. A.S.G.,
Mr. Billwadal Bhattacharyya, Id. D.A.G.I.
Mr. Bhaskar Prasad Banerjee,
Mr. Debasish Tandon.

...For the NIA.

1. The petitioners are contesting in the forthcoming Panchayat Election. They are also being investigated by the NIA in respect of an independent FIR lodged at the instance of a Division Bench of this Court in W.P.A. (P) No. 607 of 2022. They apprehend coercive measures by the NIA under the investigation being conducted by them.

2. In respect of a large number of candidates, who have approached before this Court, this Court has afforded a very limited protection in view of the Panchayat Election. The petitioners pray for a similar protection.

3. In the above circumstances, this Court directs that the investigation into the FIR registered by the NIA, subject matter of the instant writ petition, may continue unhindered.

4. If the petitioners or any of their supporters are required to be examined either in response to a summons already issued or to be issued may be so examined for a period of two hours on any two days in a date given below with sufficient 48 hours notice.

5. The concerned persons including the petitioners shall respond and participate in the investigation and subject themselves to questioning and answer the summons.

6. Subject to the above participation, as indicated hereinabove, no coercive steps shall be taken against the petitioners except the petitioner no.5 until 15th July, 2023. Charge-sheet had earlier been filed by the State police against the respondent no.5.

7. It is made absolutely clear that in default of compliance with the summons as indicated hereinabove, the protection afforded to the petitioners except the petitioner no.5 shall stand cancelled and the NIA may take coercive measures.

8. Since the NIA or any of the respondents are not called upon to file any affidavit, none of the allegations and particularly those made in paragraph 8 shall be deemed to have been admitted by them and deemed specifically denied.

9. With the aforesaid directions, the instant writ petition shall stand disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)