

07-07-2023
ct no. 14
Sl. 18
Sayandeep

WPA 15786 of 2023

Tanmoy Ghosh
-Versus-
State of West Bengal & Ors.

Mr. Sabir Ahmed
Mr. Alokesh Dalai
Mr. Biswajit Sarkar
Mr. Suman biswas
Mr. Dhiman Banerjee
Mr. Soham Chakraborty

.....for the petitioner
Mr. Asish Kr. guha
Mr. Rajendra Chaturvedi
.....for the State
Mr. Bilwadal Bhattacharyya, Ld. DSG
Mr. Debasish Tendon
... for the NIA

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to quash R.C. case no. 43/2022/NIA/DLI dated 20.09.2022 and in meantime not to take any coercive action in this regard.

Learned counsel for the petitioner submits as follows. The petitioner is a candidate of the ruling party contesting the ensuing Gram Panchayat elections for the Bahadurpur Gram Panchayat, Birbhum. He was served with a notice by

the NIA to appear at Nalhati Police Station, Birbhum, on 02.07.2023. Because of the election process, he was unable to attend the same. The poll takes place tomorrow. At present, he is not pressing for quashing of proceedings. He may be granted a protection of *not to take any coercive steps* till such date when he is required to appear again before the NIA.

Learned counsel appearing on behalf of the NIA submits as follows. After the petitioner failed to turn up on 02.07.2023 an effort was made to apprehend him, but he could not be found. Nonetheless, the petitioner would be required to attend the investigating agency at the Nalhati Police Station on 10.07.2023 at 11:00hrs..

I have heard the submissions of learned counsel appearing for the parties and have perused the writ petition.

Let the petitioner participate in the election process.

The petitioner shall attend the Nalhati Police Station for meeting the investigators on 10.07.2023 at 11 a.m.. Till then the respondent authorities shall

not take any coercive measures against the petitioner in this regard.

This order shall not have any bearing on any future action taken by the NIA or any application that may be filed by the petitioner in any Court of law.

With these observations, the writ petition is disposed of accordingly.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)