

07-07-2023
ct no. 14
Sl. 24
Sayandeep

WPA 16098 of 2023

Meherunnisha Khatun
-Versus-
State of West Bengal & Ors.

Mr. Shamik Bagchi
.....for the petitioner
Mr. Bilwadal Bhattacharyya, Ld. DSG
.....for the UOI
Mr. Amitesh Banerjee, Ld. Senior Standing counsel
Mr. Ipsita Baenrjee
.....for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent Nos. 2, 7 and 9 to render protection to the petitioner by providing Central Force, if not by way of police protection, even after expiry of two days for which this Court had granted such relief and to consider the representation dated 05.07.2023 made by the petitioner.

Report filed by the Superintendent of Police, Baruipur Police District is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a candidate contesting

the ensuing Panchayat elections on behalf of an opposition political party. She started receiving numerous threats to her person for participating election process. Accordingly, by an order dated 03.07.2023 passed in WP 15277 of 2023, this Court directed the State respondents to provide security of an armed constable for a period of two days starting from 04.07.2023. Further liberty was granted to the petitioner to pray for appropriate relief before the Superintendent of Police if there is any threat after those two days. The security was provided, but much later and when the security was not available due to some personal reason, miscreants belonging to the ruling party came and seriously assaulted the supporters of the petitioner's party. Although a G.D entry was accepted, no FIR was lodged. No steps have been taken, despite demand.

Learned senior standing counsel representing the State and relies on the report and submits as follows. The police security was provided quite in time and in terms of the order passed by this Court. After a further complaint was made by the

petitioner, the same was looked into. An enquiry was made and the same was videographed where the petitioner is seen unable to make specific allegations against anyone about the threats given. Later on, an incident regarding a sound box provider was referred to and was looked into. But, all these did not make out a case for providing an additional security for any more time.

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

It appears that the respondent authorities were not satisfied with the subsequent threat perception of the petitioner. However, it is also apparent that even during the period for which police protection was given, an attack was done by the miscreants. The respondent authorities have not registered an FIR over the same.

In the event a cognizable case is made out, the respondent authorities shall register an FIR and investigate the case.

However, it does not appear that a case is made out for extending personal armed security guard to the petitioner at this stage.

The respondent police authorities shall keep a strict vigil at the locale by means of regular patrols in that area so that no harm is done to the present petitioner. If at a subsequent stage, the respondent authorities feel necessary, they shall provide adequate personal security to the petitioner.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)