

43 26.07.2023
NB Ct. 14

WPA 17273 of 2023

Md. Jahangir Ali
Vs.
The State of West Bengal & Ors.

Mr. Arun Kumar Maiti,
Mr. R. r. Mohanty,
Mr. Syed Afzal Chand,
Mr. Iqra Rahaman,
Mr. Snigdha Ghosh,
Mr. S. Saha,
Mr. Sumit Shaw.

...for the petitioner.

Mr. Amal Kr. Sen, Id. AGP,
Mr. Lal Mohan Basu.

....for the State.

This is an application under Article 226 of the Constitution of India, inter alia, praying for a direction upon the respondent authorities to render police assistance so that the petitioner can enter into his residence and stay there with his family members without being disturbed by the antisocials of a particular political party.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a political activists belonging to the Indian Secular Front (ISF) Party in his locality. The antisocials belonging to the ruling party had always kept an eye on him. The petitioner was the polling agent in respect of Booth No.34 for the ISF candidate in the Chhoto Jagulia Gram Panchayat in the Panchayat Elections of 2023. On the polling day, the miscreants wrongfully restrained the petitioner,

assaulted him. As a consequence, he had to flee from the place. Even now, the petitioner is unable to return home in fear of such miscreants. The petitioner has a ten months old child who is residing in his house along with the other family members.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegations made against the members of a particular political party are denied. However, on the complaint made by the petitioner, an FIR has already been lodged against the accused being Duttapukur PS Case No.738 of 2023 dated 22.07.2023 under Sections 341, 323, 506 read with Section 34 of the Penal Code. The investigation of the case is on.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that the State has registered an FIR on the complaint made by the petitioner.

Therefore, in this regard no further order need be passed.

However, as the petitioner wants to return to his residence and is in some fear, adequate police assistance may be rendered of his returning home.

Let the petitioner intimate the Officer-in-Charge of the Duttapukur Police Station about the probable date and time of return and contact details with a 24 hours' notice so that police can render necessary assistance for him to return to his residence. After he returns to his residence, the respondent

authorities shall keep a sharp vigil at the locale and ensure that no harm is done to the petitioner and his family members at his residence.

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)