

**03.08.2023
Item No. 41
BR**

**WPA 17412 of 2023
Anirban Chanda
-VS
The State of West Bengal & Ors.**

**Mr.Pulokesh Bajpayee,
Ms. Tanusree Ghosh
.... For the petitioner**

**Mr. Sk. Md. Galib
..... for the State**

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to act in accordance with law and properly investigate the FIR lodged at the behest of the present petitioner.

Affidavit of service filed in Court today is taken on record.

Report filed by the State is taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioners were the candidates of the Panchayat Election of 2023. On 8.7.2023 that is the date of polling the members of the ruling party broke the CCTV cameras installed and recklessly cast false votes. On 16.7.2023 the petitioner

intimated the entire incident to the Chief Election Officer, West Bengal and prayed for re-election on 9.7.2023. In the meantime on 9.7.2023 the police authorities started action against the supporters of the ruling party for which Digha P.S. Case No. 30 under Section 323/341 of the Indian Penal Code was started. The prime grievance of the petitioner is that appropriate and grievous charges were not included although some of the victims sustained grievous injuries. That apart, no action has been taken by the police authorities regarding the subsequent threats given by the miscreants.

Learned counsel appearing for the State submits that the case started in this regard is being investigated. Notice under Section 41A of the Code was issued. During investigation it appears that the CCTV camera in question was not vandalised. However, the police are keeping a strict vigil.

I have heard learned counsels appearing for the parties and have perused the writ petition and also the report filed by the State.

It appears that the petitioners have complaint about the irregularities and atrocities that happened during the last panchayat election.

It further appears that that an FIR has been lodged on that and the same is being investigated.

At the end of the investigation if the petitioner is aggrieved with the result of the investigation or, for that matter, for the imputation of any lesser charge it shall be open to the petitioner to challenge the same by filing a protest petition.

However, Investigating Agency shall conduct the investigation in accordance with law and as expeditiously as possible.

As regards the apprehension of the petitioner for fear that further atrocities may be committed, the police authorities shall keep a strict vigil at the locale to ensure that no breach of peace takes place and no harm is done to the present petitioner.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given

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to the parties as expeditiously as possible.

(Jay Sengupta, J.)