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28.08.2023
ssi

Ct 14

WPA 20472 of 2023

Mamata Patra & ors.

-vs-

The State of West Bengal & ors.

Mr. Moyukh Mukherjee

Mr. Pritam Roy

Ms. Sagnika Banerjee

....for the petitioners

Mr. Arun Kumar Maiti

Mr. Debanik Banerjee

...for the UOI

Mr. Sk. Md. Galib

Ms. Tanwishree Mukherjee

...for the State

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos. 1 and 2 are the winning candidates of an opposition political party for the Panchayet Samity of Nandigram-II Development Block. Meeting of the Sthayee Samity is going on today. By mistake it was mentioned in the writ petition that the same is going to take place on 29.08.2023. There is an open-ended case being Nandigram Police Station Case No. 1235 of 2023 dtd 12.08.2023 under Sections 285, 286, 379, 448 and 34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act. There is an allegation that there was a bomb blast. Therefore, the matter should have been intimated by the State to the Central Government who would, in turn, decide

whether NIA would be involved in this matter. For this, provisions under the Explosive Substances Act ought to have been added, but were not added by the State respondents. Be that as it may, the winning candidates may be granted some protection till after the meeting of the Panchayet Samity.

Learned counsel appearing on behalf of the State submits as follows. The allegations made in the writ petition are denied. Only the petitioner nos. 1 and 2 are the winning candidates. Rests are only supporters of the political party.

It appears that the petitioner nos. 1 and 2 are the winning candidates who are participating in the meeting of the Sthayee Samity now.

In view of the above, let the police authorities not arrest them in connection with the Nandigram Police Station Case No. 1235 of 2023 dated 12.08.2023 till tomorrow i.e. on 29.08.2023.

It appears from a plain reading of the First Information Report that there were bomb blasts in this case. Therefore, it is obvious that provisions of the Explosive Substances Act would have to be added. The Explosive Substances Act is a scheduled offence under the NIA Act.

Therefore, let the respondent authorities comply with the provision of Section 6 of the NIA Act after adding relevant provisions of the Explosive Substances Act in this case.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)