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12.10.2023
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Ct 14

WPA 20901 of 2023

Samena Bibi

-vs-

State of West Bengal & ors.

Ms. Mousumi Bhowal

....for the petitioner

Mr. Ashim Kr. Ganguly

Ms. Jyotsna Roy Mukherjee

...for the State

Learned counsel appearing on behalf of the petitioner seeks to rely on print out of a purported WhatsApp communication purportedly indicating that the petitioner wants to withdraw the writ petition. There is no communication filed which contains the signature of the petitioner in the original. That apart, the learned advocate on record is not present before this Court.

Learned counsel appearing on behalf of the State files a report, which is taken on record.

On the last occasion, it was submitted on behalf of the petitioner as follows. On the date of counting of votes in the last Panchayat Election, the private respondents and others committed atrocities on the petitioner and others. While the petitioner belonged to an opposition political party, most of the private respondents owed their allegiance to the ruling police dispensation. One of the respondents/assailants was an Assistant Sub Inspector of Police. Despite several

cognizable offences being made out from a plain reading of the FIR, no formal FIR was registered. Although counter cases filed at the behest of the workers of the ruling party were registered as FIRs. It was argued that this is a complete travesty of justice and is in gross violation of the principle laid down by the Constitution Bench of the Hon'ble Apex Court in the case of Lalita Kumari's case, (2014) 4 SCC 1.

It appears that after the matter was heard and an order was passed in this regard, an FIR was registered on the complaint filed by the petitioner being Pukhuria Police Station Case No. 454 of 2023 dated 08.10.2023. During investigation, one accused was arrested. The investigation is going on.

The circumstances under which a prayer is being made purportedly to withdraw the writ petition evokes suspicion.

However, no further order need be passed in this regard except for that the Investigating Officer shall conclude the investigation of this case expeditiously and in accordance with law and this investigation shall be done under the direct supervision of the Superintendent of Police, Malda Police District.

The respondent police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and no harm is done to the present petitioner.

The presence of the Officer-in-Charge of Pukhuria Police Station is noted and is dispensed with.

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.)