

October 3, 2023
AD 12
Court No.14
SG

WPA 22836 of 2023

Md. Aftab Alam
vs.
The State of West Bengal and others

Mr. Prosenjit Mukherjee
Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar
Ms. Jaya Choudhury
... for the petitioner

Mr. Wasim Ahmed
Mr. M. Shehabuddin
... for the State

Ms. Jeenia Rudra
Ms. Megha Chanda
... for the respondent Nos.5 - 10

Supplementary affidavit filed on behalf of the petitioner is taken on record. A copy of the same is handed over to learned advocate for the State.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner's wife had earlier approached this Court with the allegation that the private respondents and others from the locality have been committing atrocities and disturbing the peaceful possession of the petitioner in respect of her property. They did not even spare the daughter of the petitioner who was a minor at that point. They had outraged their modesty by making vulgar and shameful gestures while they were taking bath from the tap installed in front of the petitioner's house. On one occasion, the private respondents also seriously assaulted the petitioner's wife. By an order dated

01.09.2023 passed in WPA 18329 of 2023, the respondent police authorities were directed to keep a sharp vigil at the locale and ensure that no breach of peace took place. Liberty was granted to the petitioner to intimate the police about the occurrence of any untoward incident. Despite this, the private respondents have again attacked the petitioner and mercilessly assaulted the petitioner on 09.09.2023. The petitioner suffered injuries on his head and chest. In spite of this, an FIR was registered under lesser sections and some of the accused were granted bail. The private respondents are continuing to threaten the petitioner in complete disregard of this Court's order. During hearing of the last petition, it was falsely submitted on behalf of the private respondents that they had filed a case. Actually, the case was filed by the petitioner on 10.09.2023.

Learned advocate for the private respondents denies the allegations and submits that there are cases and counter-cases against each other.

Learned advocate for the State relies on the report and submits as follows. It appears that an incident had occurred despite the police keeping a close watch on the situation. However, an FIR has been registered. After the last date of hearing, the police have already added Section 307 of the Penal Code to the array of charges in the FIR lodged by the petitioner. A cancellation of bail has been prayed for. CCTV cameras have been installed. A proceeding under Section 107 of the Code has also been

initiated. As per direction passed earlier, the police authorities have already posted a picket of two police personnel, one of whom is an armed personnel.

It appears that the petitioner is claiming that the disturbances and the unlawful acts are being done by some local inhabitants. The daughter of the petitioner was a minor at a point when her modesty was outraged by vulgar and shameful gestures of the accused. Despite an earlier order, a serious assault was committed on the petitioner and lesser charges were imputed.

It is submitted by the private respondents that there are cases and counter-cases between the private parties.

It further appears that the police have now acted by adding a charge of Section 307 of the Penal Code to the array of charges and also by filing an application for cancellation of bail obtained by some of the accused in this case.

A proceeding under Section 107 of the Code has also been initiated by the police authorities. CCTV cameras have been installed in the area and police security as directed by this Court had been provided to the petitioner.

In view of the above, no further order need be passed in this regard.

However, the security arrangement provided by the police to the petitioner and his family members shall continue till submission of charge-sheet.

Even otherwise, the police shall keep a strict vigil at the locale and ensure that no breach of peace takes place and keep on having regular patrols at the area including surveillance through CCTV cameras.

The investigating officer shall conclude the investigation expeditiously and in accordance with law.

The personal appearance of the Officer-in-Charge of Ekbalpore Police Station and the investigating officer of the case is noted and is dispensed with.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]