

07 16.10.2023
NB Ct. 14

WPA 22845 of 2023

Biswajit Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Moyukh Mukherjee,
Ms. Sagnika Banerjee.
...for the petitioner.

Mr. Somnath Banerjee, Id. AGP,
Ms. Priyamvada Singh.
...for the State.

Mr. Sukanto Chakraborty,
Mr. Tirthapati Acharyay.
...for the UOI.

Further report filed on behalf of the State is taken on record.

A letter of intimation given to the Police by the petitioner along with a copy of the pendrive containing relevant video footage of the first incident, as filed by the petitioner, is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and his mother are the victims of post-poll violence. In fact, the miscreants had severely assaulted the petitioner's brother who succumbed to his injuries. The petitioner had approached this Court on a number of occasions. Finally, security of two police personnel was provided. However, those security personnel have not been performing their duties properly. On a particular day, one security personnel came to the petitioner in a plain dress and in a totally inebriated condition. On another occasion, both the security personnel came in a drunken condition. When the

petitioner protested, they snatched away the petitioner's mobile phone and assaulted him. Representations were made before the police authorities by letters dated 19.08.2023 and 13.09.2023, but those were not responded to. As regards the first incident, the police have practically given a clean chit to the personnel. In respect of the second incident, the departmental proceeding is going on.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Immediately upon intimation that the security personnel have not been performing their duties properly, replacements were provided for and departmental action has also been initiated in respect of the errant personnel. However, the police authorities shall take into consideration the video footage provided by the petitioner and expedite the possibility of taking an action. The State does not have any objection of the CRPF provides protection.

Learned counsel appearing on behalf of the Union of India submits that since there is paucity of CRPF personnel in the State of West Bengal and most of the personnel are deputed to tackle Maoist insurgencies. They are ordinarily not be in a position to provide security to the petitioner. However, they would do so if the Court directs.

It appears that at least on two occasions, untoward incidents allegedly took place in respect of providing of security to the petitioner by the State. The main matter is a murder case and has purportedly a part of the post-poll violence that had ensued after the General Elections of 2021.

In view of the above and in the interest of justice, the respondent no.2 is directed to provide security of two CRPF personnel who shall be posted by way of a picket in front of the house of the petitioner. At least one of the CRPF personnel shall be armed.

The security shall be provided to the petitioner within a period of three weeks from this date till completion of the trial.

Till the date the CRPF takes charge to provide security to the petitioner, the State shall continue to provide security as they are doing now.

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

(Jay Sengupta, J.)