

21.12.2023
Item No.13
gd/ssd

MAT/1911/2023
IA NO: CAN/1/2023, CAN/2/2023

KALIDAS BANERJEE
VS
STATE OF WEST BENGAL AND ORS.

Mr. Ramkrishna Bhattacharyya,
Mr. K. Choudhury
..for the Appellant.

Mr. Billwadal Bhattacharyya, Ld. DSGI,
Mr. Sukanta Chakraborty
..for CBI.

Mr. Sanjay Saha,
Mr. Subhasish Bhattacharya
..for the Respondent No.11.

Re: CAN 2 of 2023

1. CAN 2 of 2023 has been filed by the appellant seeking condonation of delay of 98 days in filing this appeal.

2. Learned counsel for the appellant has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing this appeal has been sufficiently explained and the appellant was prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 2 of 2023 is, accordingly, allowed. The delay in filing the appeal is condoned.

Re: MAT 1911 of 2023

5. This intra court appeal is directed against the interim order dated 14th June, 2023 in WPA 13887 of 2023 by which the learned Single Bench opined that the appellant/writ petitioner may engage his own security guards and there was also a direction to the Superintendent of Police, Bankura to assess the threat perception of the petitioner and if found necessary shall deploy two armed constables at the cost of the petitioner until a particular date.

6. The learned advocate for the appellant would vehemently contend that the appellant is a whistle blower and there is a serious threat to his life and he is to be cited prosecution witness and notices also being issued to the appellant by the Central Bureau of Investigation.

7. Considering the peculiar facts and circumstances of this case, we are of the view that if in the opinion of the Superintendent of Police, Bankura there is serious threat to the life and liberty of the appellant, then two armed constables shall be deployed for his protection and the cost shall not be demanded

from the appellant till orders are passed in the writ petition.

8. With the above observation, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)