

13. 03.10.2023
Court No.14
Tanmoy Ghosh

WPA 23577 of 2023
Md. Jendar Mollik
-Versus-
The State of West Bengal & Ors.

Mr. Mrityunjoy Chatterjee, Adv.
...for the petitioner.

Mr. Ansar Mandal, Ld. AGP.,
Mr. Asish Dutta, Adv.
...for the State.

Mr. Imtiaz Ahmed, Adv.,
Mrs. Ghazala Firdaus, Adv.,
Mr. Sk. Saidullah, Adv.,
Mr. Mithun Mondal, Adv.,
Mr. Md. Arsalan, Adv.
...for the Intervener/victim.

Affidavit filed by the intervener i.e., Urmila Khatun,
is taken on record.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the father of the intervener. The intervener, who is a student of Bachelor of Arts (BA), is a winning candidate of an opposition political party in the Gram Panchayat Elections, 2023. She is a member of the Raninagar-II Panchayat Samity. The petitioner alleged that the intervener/victim was abducted by the miscreants belonging to the ruling political dispensation. Even on such serious and cognizable allegation, no FIR was registered by the Police. Now, a stand is being taken as if the intervener/victim had voluntarily left her home.

In the purported affidavit filed by the said Urmila Khatun she has stated that she was not abducted by

antisocials and she voluntarily left her home. Her father mistakenly lodged the FIR.

The intervener/victim appears before this Court in-person upon being identified by one Basudeb Saha, a co-villager, as also by her parents. Some time is given to her to ponder over the matter.

The victim/intervener again appears in-person, and submits that she only wants to go back home and she would not like anyone from any political party to accompany her there. She needs Police protection for some time.

Learned Counsel representing the intervener submits that it seems the intervener/victim has now herself taken a firm and independent stand.

Learned Counsel appearing on behalf of the State relies on the report and submits that only a GD was lodged on the complaint of the petitioner. However, the Police would act in accordance with law and grant any protection to the intervener/victim if the Court so directs.

It is unfortunate that although a serious cognizable case was made out in the complaint of the petitioner that her daughter had been abducted, the Police did not register an FIR. It is another thing that if it turned out subsequently that the victim had actually left her home voluntarily, a final report could have been submitted.

Be that as it may, now the victim/intervener has appeared in Court and regardless of what might have

happened earlier, she wants to go back home and she wants nobody from any political party to accompany her.

Let Police protection be given to the intervener/victim for her travel back to her residence as also during her stay at her residence for at least two months from date. The Police protection at her residence would consist of a Police picket of two Police personnel, one of whom should be armed.

Let the Officer-in-Charge of Hare Street Police Station engage a police personnel for the travel of the petitioner back to her residence today. Till the time such arrangement can be made, the victim/intervener shall be at liberty to wait at the High Court Police Office. Let the Officer-in-Charge, High Court Police Office be intimated about this.

With these observations, the writ petition being WPA 23577 of 2023 is disposed of.

Let urgent photostat certified copy of this order, if applied of, be made available to the parties upon compliance with all necessary formalities.

(Jay Sengupta, J.)