

WPA(P) 607 of 2022

**Anindya Sundar Das
Vs.
Union of India & Ors.**

Mr. Kallol Kumar Basu
Mr. Debapriya Samanta
Mr. Jannat Ul Firdous
Mr. A. K. Biswas
Ms. S. Ray Sardar
... ... for the petitioner

Mr. Asok Kumar Chakraborti, ASG
Mr. Sanjit Ghosh
Mr. Mahendra Prasad Gupta
... ... for the UOI

Mr. S. N. Mookherjee, AG
Mr. Yash Singhi
... ... for the State

Mr. Billwadal Bhattacharyya, DSG
Mr. Bhaskar Prasad Banerjee
Mr. Debasish Tendon
... ... for the NIA

In this public interest petition two incidents of bomb blasts were highlighted with the allegation that the provisions of the NIA Act were not followed.

On 20th December, 2022 learned Advocate General had informed this Court that so far as the incident falling within the jurisdiction of Panskura Police Station is concerned, the State would follow the procedure prescribed in Section 6 of the Act and forward the report to the Central Government in terms of Section 6(2) thereof.

In respect of another incident falling within the jurisdiction of Bhupatinagar Police Station the report from CFSL was awaited when the order dated 20th December, 2022 was passed.

Learned Advocate General has informed today that the report from CFSL has been received and that report supports the plea of use of explosive substances and charge-sheet has been filed invoking Sections 3 and 4 of the Explosive Substances Act which is a Scheduled Act under the NIA Act. Hence, he does not dispute that the provisions of Section 6 of the NIA Act is required to be followed.

He has fairly submitted that now the report by the concerned Officer-in-Charge of the Police Station will be sent to the State Government in terms of Section 6(1) of the Act and thereafter the State Government will send the report to the Central Government in terms of Section 6(2) of the Act and thereafter it will be open to the Central Government to take a decision in terms of Section 6(3) of the Act.

Let the report be sent by the Officer-in-Charge of the Police Station to the State Government within one week and the State Government will send the report to the Central Government within one week from the date of its receipt from the Officer-in-Charge.

The petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rai Chattopadhyay, J.)