

05 31.01.2024
NB Ct. 14

WPA 806 of 2024

Arjuman Begum & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Mrityunjoy Chatterjee,
Mr. Imdodul Haque,
Mr. Debapriya Majumder,
Md. Aru Safdar,
Mr. Arindam Paoli.
...for the petitioners.

Mr. Ashim Kr. Ganguly Id. Sr. Govt. Adv.,
Mr. Sambuddha Dutta,
Sk. Md. Masud.
...for the State.

Mr. Tirthankar Dhali,
Mr. Sayantan Adhya.
...for the private respondents.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners had objected to certain illegal activities committed by the private respondents and other miscreants owing allegiance to the ruling political dispensation. The other bone of contention was that a relative of the petitioners had acted as a polling agent for the opposition political party in the last panchayat elections. These prompted the private respondents to commit wanton atrocities on the petitioners. Their houses were attacked. There were arsons committed. But, the police did not respond by registering appropriate cases. The case registered from the petitioners' side was recorded later and first a counter version of the other side was recorded as an FIR. In fact, three cases, inter alia, under Section 376 read with Section 511 of the

Penal Code have been registered falsely by the police one after the other in a span of few hours on the same day. The complainant and the witnesses mentioned in the case started by the petitioners have been falsely implicated in such cases. The local police authorities are completely hand in gloves with the private respondents/miscreants. The medical reports for injuries inflicted on the petitioners and other victims have not been collected by the Investigating Agency.

Learned counsel appearing on behalf of the private respondents submits as follows. The dispute actually relates to land. There are cases and counter cases, which need to be investigated. Witnesses in the cases started from the side of the private respondents have been entangled in false cases by the petitioners.

Learned counsel appearing on behalf of the State relies on the reports and the case diaries and submits as follows. The complaints made by both the sides were entertained by the police and FIRs were registered. The cases are being investigated in a rather impartial manner and in accordance with law.

It appears that earlier the petitioners had to approach this Court so that the accused in Harishchandrapur Police Station Case No.744 dated 22.07.2023 would abide by the directions passed by a coordinate Bench of this Court on 15.09.2023 in CRM (SB) 165 of 2023.

It is also very rare, at the least, to see the same accused implicated with charges under Section 376 read with Section

511 and/or 354B of the Penal Code on the same day for three different incidents.

Some of the statements of witnesses as contained in the case diaries, especially in respect of Harishchandrapur Police Station Case No.1318 of 2023 are exact replica of the other.

In view of the above, it will not be safe to keep the investigation of the above-referred cases in the hand of the present dispensation investigating the case.

Let the investigating of the cases being Harishchandrapur Police Station Case Nos.1317 dated 30.12.2023, 1318 dated 30.12.2023 and 1319 dated 30.12.2023 be transferred to the CID for further investigation.

Let the CID investigate the cases expeditiously and in accordance with law.

However, the local police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)