

February 13, 2024
AD 19
Ct. No.14
SG

WPA 3248 of 2024

Sarat Sardar
vs
State of West Bengal and another

Mr. Sourav Mondal
Mr. Rany Mondal
... for the petitioner

Mr. Kishore Dutta, Id. AG
Mr. Sk. Md. Galib
Ms. Ashmita Chakraborty
... for the State

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is a member of the RSS, a social organisation. He belongs to the scheduled caste community. On 31.12.2023, the petitioner and some others were organising a meeting to celebrate the National Defence Day. Suddenly, more than 500 miscreants belonging to the minority community attacked the gathering, destroyed the stage, spat upon and tore up the country's national flag. Despite these and in spite of several requests, local police authorities did not register any complaint. Now some miscreants are disturbing and creating pressure upon the petitioner and others and preventing them from opening their shops in the area.

Learned Advocate General representing the State relies on the report and submits as follows. The petitioner held a meeting of the Hindu Jagaran Manch on

31.12.2023. The speakers gave hate speeches. On the basis of a complaint filed by one Saukat Ali Haldar against them, on 01.01.2024 Mandir Bazar Police Station Case No.01/24 was started. However, the first time the petitioner made a complaint was on 07.02.2024 by way of e-mail. They gave a formal written complaint on 08.02.2024. On the same, Mandir Bazar Police Station Case No.51/24 was started. Both the cases are being investigated into. The police are keeping a close watch on the developments in the locality.

At this stage, learned advocate for the petitioner submits that although police personnel were beaten up by the miscreants on the particular day and offences were committed under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, no such provision was imputed in the said FIR.

It appears that the police have already registered two FIRs on the complaints from both the sides.

However, if relevant provisions of law alleged in the copy of the complaint had not been incorporated by the police in the formal portion of the FIR, the police shall make appropriate prayers before the learned Magistrate to incorporate the other sections applicable. The same shall be done at the earliest.

The police shall conclude the investigation of both the cases and file reports in accordance with law.

The local police authorities are directed to keep a sharp vigil at the locale and ensure that no breach of

peace takes place. Surveillance shall include frequent visits by police patrol. The police authorities shall also consider the possibility of posting a police picket in the area.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]