

01 28.02.2024
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Suppl

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ssd

WPA 4011 of 2024
(IA No. CAN 1 of 2024, CAN 2 of 2024)
The Court's in its Own Motion
Vs.
State of West Bengal & Ors.
with
WPA(P) 78 of 2024
Sanjukta Samanta
Vs.
Union of India & ors.
with
WPA(P) 81 of 2024
Anindya Sundar Das
Vs.
Union of India & ors.
with
WPA(P) 93 of 2024
Priyanka Tibrewal
Vs.
State of West Bengal & ors.

(Appearances for **WPA 4011 of 2024**):

Mr. Smarajit Roy Chowdhury
Ms. Susmita Saha Dutta
Mr. Ajit Mishra
Mr. Amit Sharma
Mr. Tilak Mitra
Mr. Niladri Saha
... for the Intervenors.

Mr. Kishore Dutta, ld. A.G.
Mr. Pantu Deb Roy, ld. AGP
... for the State respondents.

Mr. S.V. Raju, ld. ASGI
Mr. Dhiraj Trivedi, ld. DSGI
Mrs. Debjani Ray
Mr. Samrat Goswami
Mr. Ankit Khanna
Ms. Swapna Jha
Ms. Sohini Dey
... for the Enforcement Directorate.

Mr. Ashok Kumar Chakraborti, ld. ASGI
Mr. T.P. Acharyya
... for the Union of India.

Mr. Jayanta Narayan Chatterjee
... for the Amicus Curiae

(Appearances for **WPA(P) 78 of 2024**):

Ms. Sanjukta Samanta

... petitioner (in person)

1. The matter has been listed under the caption “To Be Mentioned” and it is pointed out that the name of the writ petitioner in WPA(P) 81 of 2024 has gone down wrong.

2. This defect be rectified and the correct name of the writ petitioner be reflected in the order dated 26.02.2024 and this order shall form part of the said order.

3. In the suo motu matter the learned amicus curiae submitted that in the order dated 26.02.2024 it has gone down as if that the amicus curiae has several informations regarding various incidents and it is clarified that those informations have been gathered by the learned amicus curiae based on various sources including Press reports.

4. In any event whatever information the learned amicus curiae wishes to place on record, the same shall be placed on record in the form of the report.

5. In the order dated 26.02.2024 the appearances of the following learned advocates has been shown as “for the petitioner appellant” which is incorrect since it is a suo motu matter on The Court’s in its Own Motion and it stands corrected as “for the intervenors”:

“Mr. Pramit Ray, ld. Sr. Adv.
Mr. Ajit Mishra
Ms. Susmita Saha Dutta
Mr. S. Roy Chowdhury
Mr. Manabendra Bandopadhyay
Mr. Niladri Saha
Mr. Dipjyoti Chakraborty.”

6. It is further clarified that Ms. Susmita Saha Dutta, who is said to have been invited by the National Commission for Scheduled Tribe and visited the concerned area on 22nd February, 2024, is permitted to file a report.

7. The learned Additional Solicitor General of India has an apprehension that if the State Police make an arrest in terms of the observations made by us in Paragraph 3 of the order dated 26.02.2024, there is a likelihood of the case being diluted by the State Police as the CBI and the Enforcement Directorate have serious reservations against the State Police and there is also an allegation that they are colluding with the absconding accused.

8. The learned Advocate General has vehemently disputed such a contention. As observed by us earlier, the concerned person could not be apprehended for a substantial period of time and as on date what has been stayed by the court is only constitution of the SIT.

9. Therefore, it will be open to the CBI and the Enforcement Directorate also to arrest the absconding accused. Equally so that there are other cases registered against the very same accused where he has been shown an absconding accused.

10. Therefore, the person who has been elected as a public office cannot defy law and, therefore, we leave it open to any one of the agencies to arrest him.

11. List these matters on 4th March, 2024.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)