

14.05.2024
Item No.27
RP
Ct. No.1

CPAN 424 of 2024
In
MAT 1911 of 2023
Kalidas Banerjee
Vs.
Vaibhav Tiwari

Mr. Ramkrishna Bhattacharyya
Mr. K. Chowdhury
.....for Applicant
Mr. Amitesh Banerjee, Sr. Adv.
Mrs. Ipsita Banerjee
.....for State

1. This contempt application is filed alleging willful disobedience of the directions issued in the order dated 21.12.2023 passed in MAT 1911 of 2023. When the appeal was heard we slightly modified the directions issued by the learned Single Bench in its order dated 14th July, 2023 and directed that if in the opinion of the Superintendent of Police, Bankura there is serious threat to the life and liberty of the appellant, then two armed constables shall be deployed for his protection and the cost shall not be demanded from the appellant. However, when the appeal was heard the appellant did not bring to the notice of this Court the order passed by the learned Single Bench on 22.06.2023 in WPA 13887 of 2023. The said order reads as follows:-

“1.Supplementary affidavit filed in Court is taken on record.

2.The Superintendent of Police, Bankura has filed a report dated 20.06.2023.

3.It is indicted that there is no threat perception substantiated before the Police. Let a copy of the report be made available to the counsel for the petitioner.

4.The petitioner may engage his own security in the meantime.

5.If the petitioner feels that he needs security from the Police in terms of the Regulations 666 and 669 of the West Bengal Police Regulations, he may apply before the Police for such protection at his own cost. Such protection may be given.

6.Let the costs be communicated to the petitioner after an appropriate application from the petitioner in this regard.”

Thus it can be seen that there were two orders which were passed by the learned Single Bench. What was impugned in the appeal is the order dated 14th June,2023 and the second order dated 22nd June,2023 was suppressed from this Court. This has led to passing of the order dated 21.12.2023 in MAT 1911 of 2023. Furthermore, we note that in terms of the direction issued by the learned Single Bench in its order dated 22nd June, 2023 the applicant made a representation to the Superintendent of Police on 1.7.2023 to provide police protection to him in terms of the order passed by the learned Single Bench dated 22.06.2023 and this was complied with and the Superintendent of Police has issued demand on 12.07.2023. Therefore, when the applicant wants police protection he has to remit the cost. Therefore, the order passed by this Court in the appeal having been obtained without placing the entire facts, the order dated 21.12.2023 passed

in MAT 1911 of 2023 stands recalled and the direction issued by the learned Single Bench in its order dated 22.06.2023 is confirmed and it will be open to the appellant to avail protection subject to payment of cost.

2. In the result, the contempt application is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)