

07.05.2024
Sl. No.17
g.b.
Court No.14

W.P.A. 6991 of 2024

Biswajit Sarkar
-Vs-
The State of West Bengal & Ors.

Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
Ms. Sarmistha Basat
... for the petitioner
Mr. Arun Kumar Maiti
Mr. R. R. Mohanty
.....For the CBI
Mr. Sukanta Chakraborty
Mr. Tirtha Pati Acharyya
.....For the U.O.I. & C.R.P.F.

Report filed on behalf of the Union of India is taken on record.

Copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel for the petitioner submits as follows. The petitioner is a victim as well as a witness to certain incidents of post poll violence in respect of the last State Assembly Election. The brother of the petitioner was brutally murdered by the miscreants belonging to the ruling political dispensation. By an order dated 16.10.23, this Court had provided police picket to be posted by the CRPF in front of the house of the petitioner. In the meantime, the CBI approached the Hon'ble Apex Court and obtained a stay in all the post poll violence matters including the present case. However, one of the absconding accused and his relatives are still threatening and intimidating the petitioner. The petitioner, in fact, was not made a party in the SLP filed by the CBI. The petitioner made a statement under Section 164 of the Code of Criminal Procedure naming an important leader of

the ruling political party. Since then the threat to his life has increased manifold.

Learned counsel appearing on behalf of the Union of India relies on the report and submits that in view of the Lok Sabha Election that is taking place, it will not be possible for the CRPF to make available any further personnel for security.

It appears that the parent case has been stayed. However, in pursuance of an earlier order, armed personnel from the CRPF are still manning a post outside the petitioner's residence to provide him security.

The Central Forces are unable to provide any further security to the petitioner. But the petitioner does not want to have security to be provided by the State.

In the circumstance that the Lok Sabha Polls are presently going on, the petitioner cannot pick and choose the security personnel to be provided to him.

Therefore, the petitioner shall be at liberty to make a prayer before the State police through the Deputy Commissioner of Police, Eastern Suburban Division to provide personal security till the elections are over. If such application is made, the concerned authority shall consider the same expeditiously and in accordance with law.

No further order need be passed in this regard.

However, the police 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.)