

DL-20

17.05.2024
Court No.14
(AD)

WPA 13405 of 2024

Mithun Tikadar
Vs.
The State of West Bengal & Ors.

Mr. Soumya Nag
Mr. Aditya Tiwari
Ms. Namrata Chatterjee
... for the petitioner

Mr. S. Banerjee
Mr. R. Ganguly
... for the State respondents.

Mr. N. S. Ghopsh
Mr. Pradip Kumar Kundu
Mr. Kingsuk Mandal
... for the Intervenors.

1. Report filed on behalf of the State is taken on record.
2. Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is a Councillor of the Budge Budge Municipality. One day, when he was sitting at the party office, miscreants came and fired shots at him. He received two bullet injuries. He was taken to hospital and somehow survived. Budge Budge Police Station Case No.35 of 2019 dated 19.02.2019 was started under Sections 447, 326, 307, 34 of the Indian Penal Code and under Sections 25(i)(a), 27 of the Arms Act and under Sections 4, 5 of the Explosive Substances Act. During investigation, remnants of bombs and other materials were seized. After submission of

charge sheet, trial started. During trial, the petitioner and other witnesses started receiving threats from the miscreants, even when the accused were in custody. After coming out of custody, things became worse. On a few occasions, witnesses could not turn up for deposing out of fear. Although there was a condition imposed upon the accused to stay out of the jurisdiction of Budge Budge police station, they violated such order. On 15.04.2024, the accused violated the order and came to the petitioner and threatened him. He was threatened with a knife. But, the local people came and rescued him. This was brought to the notice of the police authorities, but no effective steps especially regarding protection to be provided by the police.

3. Learned Counsel appearing on behalf of the Intervenor files Vakalatnama and denies the allegations. The petitioner himself is a history-sheeter and is accused of several crimes.
4. Learned Counsel appearing on behalf of the State relies on the report and submits as follows. The trial of the impugned case is going on. The witnesses did not turn up and warrant had to be issued. However, on the allegation made by the petitioner, a specific FIR has been registered being Budge Budge Police Station Case No.136 of 2024

dated 13.04.2024 under Sections 342, 323, 325, 307, 195A, 506, 34 of the Penal Code and Section 25 of the Arms Act.

5. It appears that on the allegation of the petitioner about further threats and assault made by the accused, a specific FIR has already been registered and the same is being investigated into. Let the investigation be concluded expeditiously and in accordance with law.
6. The police authorities shall keep a sharp vigil at the locale and ensure that no harm occurs on the petitioner and other witnesses of the case.
7. At this stage, it is informed by the learned Counsel for the petitioner that the petitioner has already made a representation for police protection at his cost before the police authorities. Let the police authorities consider the same expeditiously and in accordance with law, preferably within two weeks from this date.
8. In the meantime, a police constable be deputed to guard the residence of the petitioner till 4th June, 2024.
9. With this observation, the writ petition is disposed of.
10. As affidavits have not been called for, the allegations made are deemed not to have been admitted.
11. All parties shall act on the server copy of this

order duly downloaded from the official website of
this Court.

(Jay Sengupta, J.)