

WPA 13983 of 2024

Chandra Shekhar Mondal @ Chandra Sekhar Mondal
-vs-
The State of West Bengal & ors.

Mr. Billawadal Bhattacharya
Ms. Sagnika Banerjee
...for the petitioner
Mr. Brajesh Jha
...for the Union of India
Mr. Kishore Dutta, Ld. AG
Mr. Amitesh Banerjee, Ld. SSC
Mr. Tarak Karan
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an election agent of a candidate of the opposition political party in the Contai Lok Sabha Constituency. The police in the locality have been acting in a partisan manner. They are active in the cases started against the opposition activists, but play only a passive role when FIRs are registered by the opposition party members, as in the present cases. The local miscreants owing allegiance to the ruling political dispensation have attacked and assaulted members of the opposition political party. The two cases were started being Patashpur PS Case

No. 259 dated 01.05.2024 under Sections 341, 323, 325, 506 and 34 of the Indian Penal Code and Patashpur PS Case No. 265 dated 04.05.2024 under Sections 341, 323, 325, 506 and 34 of the Indian Penal Code. More stringent Sections which were very much applicable in the present cases like ones under Section 326 and 307 of the Penal Code and Sections 25 and 27 of the Arms Act were not imputed.

Learned senior standing counsel representing the State relies on the report and submits as follows. A fair investigation is being done in both the cases. Some accused have been arrested in both the cases. As would be evident from the injury reports annexed by the petitioner, the injuries concerned were simply in nature. In the second case, although there is a reference to arms being there with a miscreants, there was no allegation that the same were used. It has to be seen whether at all the incident involved use or possession of arms.

It appears that in one of the cases although the injury is simple, the same was on a vital portion of the body i.e., the head.

The Investigating Agency shall explore the possibility of adding more stringent provisions, if applicable.

Let the investigation be concluded expeditiously and in accordance with law.

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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)