

3
05.02.2024
ssi

Ct 14

WPA 13674 of 2023
CAN 1 of 2023

Basabendra Maity

-vs-

The State of West Bengal & ors.

Mr. Aritra Bhattacharya

Ms. Piyali Maity

Mr. Ranit Mukherjee

....for the petitioner

Mr. Amitesh Banerjee

Mr. Sk. Md. Galib

Ms. Sujata Mukherjee

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. During pendency of this proceeding, a charge sheet has been submitted against the accused showing some as absconders, although they are very much available. They are roaming around and even filing cases like one absconding accused Prakash Maity. Bail was granted to two female accused. But in the cause title, they misrepresented the provisions and omitted Section 302 of the Penal Code, which were subsequently added. One Tamal Maity who was cited as a charge sheet witness has been threatening the petitioner. One day, there was an incident of an unknown person ringing bells at the flat. When the petitioner's daughter was coming back from Court, her car was suddenly and needlessly accosted by the police and men in plain clothes. The atmosphere of terror continues.

Learned counsel appearing on behalf of the State submits as follows. The said Prakash Maity has been shown as an absconder and steps are being taken to ensure his attendance. Even if one files an application for bail on unamended sections, when the matter is heard out, it is obvious that the Court would come to know about all the sections charged. About the charge sheeted witness Tamal Maity allegedly threatening the petitioner, a specific case has already been started. There have been incidents which have been blown out of proportion like the ringing of a door bell at the flat by a beautician who comes to flats for rendering such service. About the incident that happened regarding stopping of the car of the petitioner's daughter while coming back from High Court, she had violated law by going down from the road taking a left flank. That is why the traffic police stopped her. She came out and abused the police. The incident has been videographed and a case has been started against the petitioner's daughter. The petitioners had not even been charitable enough to provide for chairs for the police personnel inside the complex. However, all measures will be taken to protect the petitioner and his family members as directed by this Court. The police picket is still continuing.

The recent incidents of alleged transgressions and irregularities in providing protection to the petitioner have been well-accounted for by the State. It appears that the State is providing security as directed by this Court.

If the petitioner is aggrieved with the outcome of investigation, he shall be at liberty to file a protest petition before the learned trial Court or move a fresh application as may be advised.

As regards the continuation of order of protection to the petitioner and his family members, since the petitioner's wife who had taken up the cause for the family was done to death by the miscreants, it is necessary to continue with the order of protection for some more time.

Let the protection as directed earlier continue, for the present, till the order deciding the question of framing of charge.

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.)