

10-07-2024
Item No.6
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.17306 of 2024
Hiru Halder

-vs-
The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee
Mr. Ranjit Mondal
Ms. Maitrayee Chatterjee ...for the petitioner

Mr. Amitesh Banerjee, Sr. Standing Counsel
Mr. Debangshu Dinda ...for the State

Mr. Arindam Das
Mr. Atanu Banerjee ...for the municipality

It is submitted that the petitioner has been arraigned in Berhampore PS Case No.221 of 2024 dated February 13, 2024 under sections 447/448/427/436/34/120B IPC and 3/4 Prevention of Damage to Public Property Act, 1984. The petitioner alleges excess action on the part of the police.

It is alleged that as the petitioner is the member of the opposition in the Murshidabad Municipality and as he protested against several illegalities of the ruling dispensation in the municipality, accordingly, he has been targeted.

Learned advocate representing the State relies upon the instructions forwarded by the Inspector-in-Charge of Berhampore police station signed on July 8, 2024 wherein the allegation against the police has been denied. It has been submitted that investigation of the said case is in progress. The petitioner is an FIR named

accused in several other cases that are pending against him. The instant case does not relate to any political rivalry.

Learned advocate representing the municipality submits that the petitioner was responsible for a fire that broke out in the dumping ground of the municipality. The Vice-Chairman of the municipality lodged a complaint pursuant to which the police have registered the FIR against him and the investigation is underway.

Upon hearing the parties and upon perusal of the materials on record, it appears that the complaint was lodged against the petitioner and several other persons. The investigation is at a very nascent stage. It will not be proper to restrain the police from investigating the issue in question, especially since there is an allegation of destruction of public property.

In view of the above, no relief can be granted to the petitioner in the instant case.

The police are however, directed to act strictly in accordance with law and conclude the investigation at the earliest.

The writ petition is disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

