

Dd 13-15 12.06.2024

CRM(A) 5303 of 2022

Lutfar Rahaman Khan
Vs
The State of West Bengal
with

WPA (P) 67 of 2021

with
IA NO: CAN 1 of 2021
Dipak Mishra

Vs
The State of West Bengal & Ors.
With

WPA (P) 68/2021

Nilanjan Adhikary

Vs
The State of West Bengal & Ors.

+
IA NO: CAN 1 of 2021
+
IA NO: CAN 2 of 2021
+
IA NO: CAN 3 of 2021
+
IA NO: CAN 4 of 2021

Mr. Rajdeep Majumder,
Mr. Moyukh Mukherjee,
Mr. Koustav Lal Mukherjee,
Mr. Sagnika Banerjee,
Ms. Sarmistha Basak,
Mr. Sopuvik Palodhi, Advocates
... .. For the Petitioner

Mr. Suddhadev Adak, Advocate
... .. For the State

Mr. Anup Dasgupta, Advocate
... ..For the opposite party nos. 15 and
64 in WPA(A) 67/2021 and 51,57,83,86,99,101
& 109 in WPA(P) 68/2021.

An application for anticipatory bail and two Public Interest Litigations were assigned by the Hon'ble the Chief Justice on May 7, 2024.

Learned advocate appearing for the writ petitioner submits that, the respondents in the writ petitions were served afresh. He files affidavit-of-service, which be taken on record.

Learned advocate appearing for some of the accuseds in the criminal proceedings draws the attention of the Court to the order dated March 5, 2021 passed in the two Public Interest Litigations and submits that, although the co-ordinate Bench directed impleadment of his clients, the writ petitioners are yet to carry out such order.

Record apparently demonstrates that, the persons who were directed to be impleaded were not formally added in the writ petitions by the writ petitioner.

In such circumstances, in our view, interest of justice would be subserved by requiring the learned advocate-on-record of the writ petitioner to formally incorporate all the parties directed to be impleaded by the order dated March 5, 2021 by the co-ordinate Bench. Learned advocate-on-record for the writ petitioner will provide copies of the cause title to the learned advocate appearing for the accuseds forthwith thereafter.

State is represented.

The Public Interest Litigations relating to the action of the State in withdrawing criminal cases which according to the writ petitioner involves heinous crime. The application for anticipatory bail is at the behest of one of the accuseds.

It would be appropriate to allow the parties one opportunity to file affidavits in all the three proceedings.

Let affidavits-in-opposition be filed within three weeks, reply, if any, within two weeks thereafter.

List all the three matters in the monthly list of August, 2024.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)