

WPA 25710 of 2023

Samsur Rahaman

-vs-

The State of West Bengal & ors.

Mr. Sutirtha Nayek

Ms. Sagarika Goswami

...for the petitioner

Mr. Sk. Md. Ismail

Mr. Sk. Aktar Hossain

...for the respondent nos. 6 to 10, 11 & 12

Mr. Suman Sengupta

Mr. Arindam Mandal

Mr. Sanatan Panja

...for the State

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

Despite service, no one appears on behalf of the private respondents.

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 was a political worker belonging to an opposition political party. He was asked to join the ruling political party by the local workers of that party including the private respondents. He refused to do so. As a result, after the said political party won the last assembly election, they attacked the house of the petitioner, ransacked and burnt it, assaulted the petitioner, molested

his wife and mother and in fear, the petitioner left the place for good. He could not return to his residence all this long because of threats and intimidations by the local miscreants. He wants to return to his residence now. Police have also not taken any effective action in respect of the case started by him.

Learned counsel appearing on behalf of the private respondent nos. 6 to 10, 11 and 12 submits as follows. In fact, it is the private respondents who had been at the receiving end of torture committed by the petitioner. In any event, the petitioner has been out of his residence for the last 7 years of his own volition.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police have already acted on the complaint lodged by the petitioner by registering a specific FIR being Jangipara PS Case No. 146 dated 03.07.2021 under Sections 143, 447, 448, 427, 436, 379 and 34 of the Indian Penal Code. A charge sheet has been submitted in this regard on 07.10.2021 under Sections 447 and 427 of the Indian Penal Code against some accused with a prayer to discharge some others. The trial is on.

It appears that the police have at least registered an FIR on the complaint of the petitioner. Although it appears that the charge sheet was submitted only against some of the accused and that too only under some of the charges originally imputed in the FIR. If the petitioner has any opportunity to challenge the same, he shall be at liberty to

file an appropriate application before the trial Court in this regard.

In the event the petitioner wants to return to his own residence, the State Administration shall provide adequate protection for him to be able to do so.

Let the petitioner inform about his intended date and time of return to his residence to the Officer in Charge of Jangipara Police Station with a 24 hours' notice. The Officer shall arrange for adequate armed police escort so that they can escort the petitioner to his own residence. The entry to his residence shall be videographed.

Even thereafter, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include the frequent visit by police patrol.

For a period of two months from the petitioner's date of return, the local police authorities shall post a police picket of two personnel, one of whom shall be armed, in front of the house of the petitioner to ensure his protection.

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.)