

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**MAT/675/2025
ADDITIONAL SUPERINTENDENT OF POLICE,
PASCHIM MEDINIPUR
VS.
SUCHARITA DAS AND ORS.
IA NO: CAN/1/2025
With
MAT/692/2025
THE DEPUTY SUPERINTENDENT OF POLICE
(ADMINISTRATION), PASCHIM MEDINIPUR
VS.
SUSHRITA SAREN AND ORS
IA NO: CAN/1/2025**

For the Appellants	: Mr. Swapan Banerjee, AGP Ms. Sumita Shaw, Advocate Mr. Soumen Chatterjee, Advocate
For the Respondents in MAT/675/2025	: Mr. Samim Ahammed, Advocate Ms. Ambiya Khatun, Advocate Mr. Arka Ranjan Bhattacharya, Advocate Md. Nasirul Haque, Advocate
For the respondents in MAT/692/2025	: Mr. Jayanta Narayan Chatterjee, Sr. Advocate Mr. Sirshendu Sinha Roy, Advocate Mr. Kartick Kumar Roy, Advocate Mr. Supreem Naskar, Advocate Ms. Jayashree Patra, Advocate

Heard on: July 31, 2025 & August 20, 2025

Judgment on : August 20, 2025

Debangsu Basak, J.

1. Two appeals are taken up for analogous consideration as similar issues are involved.
2. MAT/675/2025 is directed against order dated April 22, 2025 passed by the learned Single Judge in WPA 5447 of 2025. MAT/692/2025 is directed against the order dated April 22, 2025 passed in WPA 5591 of 2025.
3. Ms. Sumitra Show, learned advocate appearing for the appellants submits that, the appellants are aggrieved by a portion of the two impugned orders. She submits that by the impugned order, learned Single Judge constituted a Special Investigating Team to investigate the two complaints lodged by the two private respondents in the two writ petitions. At the same time, learned Single Judge, directed the Human Rights Court to decide on the issue. She submits that, the appellants will be seriously prejudiced in the event, two proceedings are carried on simultaneously.
4. Ms. Sumitra Show contends that, there may arise a situation where the Human Rights Court may dispose of the proceedings prior to SIT submitting its final report before the trial Court. The Human Rights Court may find the appellants guilty while, the SIT may return a mistake as to guilt in the final report before the trial Court. In such a scenario, therefore, the appellants will be seriously prejudiced.
5. Learned counsel appearing for the private respondents submit that, the appellant in MAT/675/2025 is an accused in respect of the complaint lodged by the private respondent in such appeal. Learned Single Judge

directed the complaint of the private respondent in MAT/675/2025 to be treated as a first information report. They draw the attention of the Court to the order dated April 22, 2025 passed in WPA 5447 of 2025 and to the complaint dated March 4, 2025 lodged by the private respondent. They submit that, since the appellant in MAT/675/2025 is an accused in one of the criminal proceedings, he should not be allowed to prefer the appeal.

6. Learned counsel appearing for the private respondents submit that, there is no question of two fora arriving at two different findings. Human Rights Court is concerned with the violation of human rights while the criminal liability, if any, with regard to the incident is to be assessed and considered by the criminal Court.
7. We find from the records that, two complaints were lodged by the two private respondents with the police in relation to alleged over-action by the police and custodial torture.
8. By the two impugned orders, learned Single Judge, directed constitution of a Special Investigating Team to investigate into such allegation. Learned Single Judge also noticed an authority of the Supreme Court reported in **(2021) 1 SCC 184 [Paramvir Singh Saini v.- Baljit Singh]** and directed that, in the event there is human rights violation, the same is to be considered and decided upon by the Human Rights Court.
9. Since there are allegations of custodial torture by the police, we find no infirmity in the learned Single Judge directing investigation to be undertaken by a Special Investigating Team. A Constitutional Court can do so if the facts and circumstances of a case so warrant.
10. **Paramvir Singh Saini (supra)** requires the Human Rights Court to consider the issue of violation of Human Rights. The allegations made

in the two complaints to the National and State Human Rights Commission to be registered under the Protection of Human Rights Act, 1993.

11. Learned Single Judge noted that there were anomalies in the reports of the Deputy Superintendent of Police and the Inspector General of Police and, therefore, directed registration of cases before the Human Rights Court. This finding is not established to be perverse.
12. In the facts of the present case, we find no ground calling for an interference by us at this stage. Learned Single Judge is yet to dispose of the writ petition finally. Learned Single Judge constituted a Special Investigating Team to look into the incident of assault and alleged police over-action and violation of human rights by the appropriate forum in this regard.
13. MAT/675/2025 and MAT/692/2025 along with the connected applications are **disposed of** accordingly without any order as to costs.

(Debangsu Basak, J.)

14. I agree

(Md. Shabbar Rashidi, J.)