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jdt. 14.11.2025
jb.

WPA 24157 of 2025

(Nasir Sk @ Joker vs. State of West Bengal & Ors.)

Mr. Sourat Nandy
.... **For the Petitioner**
Mr. Vijay Agarwal
Mr. Rajsekhar Basu
.... **For the State**

Heard learned counsels for the parties.

It is an admitted position that the petitioner was illegally detained in custody for 30 days in connection with Suti P.S. case no. 404/2025 dated 15th April, 2025. The petitioner has no nexus whatsoever with the said case though he may be an accused in several other cases.

Learned counsel for the petitioner placed reliance on the authority in ***D.G. & I.G. of Police and others vs. Prem Sagar and Another*** reported in ***(1999) 5 Supreme Court Cases 700*** in support of his contention.

It appears from the report submitted by the State that such detention was due to inadvertent clerical mistake and unintentional error on the part of the police. It is shocking to note that the situation has been so casually dealt with by the State. It is not acceptable that a person is detained in custody for as many as 30 days without any fault on his part merely on the ground of some clerical mistake or unintentional error.

In view of such illegal detention State is directed to pay compensation to the tune of Rs.50,000/- to the petitioner within 7 days from date.

The order is peremptory and mandatory.

With the aforesaid directions and observations, the writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)