

30.01.2025
Item Nos.8
RP/SM
Ct. No.01

WPA(P) 594 of 2022

**Association for Protection of Democratic
Rights (APDR) & Anr.**

Vs.

State of West Bengal & Ors.

Mr. Kaushik Gupta, Sr. Adv.
Ms. Srimoyee Mukherjee

....For the Petitioners

Mr. Biswabrata Basu Mullick, A.G.P.
Mr. Debangshu Dinda

....For the State

1. This Public Interest Litigation is filed by two writ petitioners one of whom is an Association for Protection of Democratic Rights (APDR) and the second petitioner is one Ranjit Kumar Sur who is the Secretary of the said first petitioner's Association. The writ petition has been filed for issuance of writ of mandamus to forthwith hand over investigation to the Central Bureau of Investigation for an independent inquiry into the cause of death of the under-trial prisoners. According to the petitioners the cause of death of four under-trial prisoners is suspicious and they died in police custody on account of injuries inflicted upon them after they were arrested. Directions were issued in the writ petition from time to time and pursuant to an earlier direction the Criminal Investigation Department,

West Bengal, has filed a report on 21st August, 2023. It is not in dispute that all the four persons who are since deceased arrested on different dates on different cases registered with Baruipur police station, Budge Budge police Station and Maheshtala police station.

2. After we have elaborately heard the learned senior advocate for the petitioner and the learned government advocate and carefully perused the report filed by the Inspector of Police, Criminal Investigation Department, West Bengal dated 21.8.2023, we are of the prima facie view that the cause of death of the four under-trial prisoners could not have been stated to be on account of usage of certain narcotic substance/drugs. Upon going through the details furnished in the post-mortem report of all the four under-trial prisoners it clearly shows that external injuries and which are evidence of vital reaction. Thus, we are unable to persuade ourselves to accept that the cause of death of four under-trial prisoners was on account of usage of certain psychotropic and narcotic substance. Therefore, we are of the view that the investigation has to be done by a senior officer since the allegation against the police official. Thus, we are not satisfied with the report as drawn by the Inspector of Police, Criminal Investigation Department, West Bengal

dated 21.8.2023 and therefore, we set aside the said report.

- 3.** Though the prayer sought for by the writ petitioner is to transfer the investigation to a Central agency, which we are not inclined to do so since the matter can be inquired by the higher officer of the Criminal Investigation Department, West Bengal. Therefore, we direct the Additional Director General of Police, Criminal Investigation Department, West Bengal to nominate an officer higher in rank than the rank of Inspector of Police, Criminal Investigation Department, West Bengal to cause a fresh investigation into the death of the four under-trial prisoners and to proceed to take action in accordance with law. The investigating officer who is to be nominated by the Additional Director General of Police, Criminal Investigation Department, West Bengal should be chosen in such a manner that the officer is a dynamic who will not be persuaded or swayed by the statement made earlier and would conduct dispassionate enquiry into the matter regardless that there are allegations against the officers of the Police department of West Bengal State Police. The investigation should be completed within eight weeks from the date of receipt of the server copy of this order and a final report be filed on the next date.

4. This is matter of record that the State has paid a compensation of Rs. 5 lakhs each to the family of the deceased under-trial prisoners.
5. In this writ petition a direction was issued on 22.8.2023 directing the Director General of Police to issue necessary directives throughout the State that the C.C.T.V. cameras which have been installed in various police stations are functional with appropriate recording device. The learned advocate appearing for the State states that necessary directions have been issued and the order and direction have been complied with but a report, as directed, has not been filed. The direction issued on 22.8.2023 is to ensure that transparency is maintained, more particularly in police stations and it was issued after taking a serious note of the matter that the C.C.T.V. footages of the Budge Budge police station could not be provided because such C.C.T.V. cameras are not in working condition. Therefore, it is for the Director General of Police to monitor the matter and it is not for the Court to advise such a senior officer as to how and what manner a police station is to be functioned. Therefore, we hope and trust that the Director General of Police shall take serious note of the matter and call for periodical reports from various police stations as regards the installation of C.C.T.V. cameras, its functionality as

well as functionality of recording device. If any of the police stations does not abide by the same disciplinary action shall be taken against all those officers who are in-charge of those police stations.

6. With the above observations and directions the writ petition is disposed of.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)