IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Aryak Dutt

WPA 20950 of 2018

Joy Krishna Nag @ Joy Kumar Nag @ Rohit
Vs.
The State of West Bengal & Ors.

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For the Petitioner : Mr. Abhimanyu Banerjee, Advocate
Mr. Arnab Saha, Advocate
Mr. Abdul Nooman, Advocate

For the State : Mr. Dibashis Basu, Ld. AGP
Ms. Sneha Dutta, Advocate
Mr. Purnendu Das, Advocate

Hearing concluded & Judgment on : **October 5, 2026**

DEBANGSU BASAK, J.:-

1. In this habeas corpus writ petition, the writ petitioner claims that he was under illegal detention for the period from August 6, 2018 to October 5, 2018.
2. Learned Advocate appearing for the writ petitioner submits that, the writ petitioner was entangled in three criminal cases being Kumargram PS Case

No.101/18, 103/18 and 141/18. He submits that, the writ petitioner secured bails in respect of the three criminal cases. Writ petitioner was required to be released from custody on August 6, 2018. However, the writ petitioner was ultimately released on October 5, 2018.

3. Learned Advocate appearing for the writ petitioner submits that, at that material point of time, the writ petitioner was earning about Rs.600/- per day as a tea garden worker. At the basic minimum, he submits that, the writ petitioner should be compensated not only for the loss of employment but also for illegal detention and mental harassment and agony. He submits that, the writ petitioner prays for a sum of Rs.20 lakhs as compensation. He submits that, the quantum of compensation may be decided by the Court.

4. Learned Additional Government Pleader, on instructions, submits that, there is hardly any explanation for the period of detention. He submits that, a MR case was started on August 14, 2018. In such MR Case, the custody of the writ petitioner was required. Therefore, the writ petitioner was kept in the custody till his release on October 5, 2018.

5. We find from the records that, three criminal cases were instituted against the writ petitioner being Kumargram PS Case No.101/18, 103/18 and 141/18. In respect of these police cases, the writ petitioner secured orders of bail. Writ petitioner furnished surety in terms of the orders granting bail.

6. There was an allegation of violation of the bond executed to secure that no breach of peace in the locality is caused by the writ petitioner. On the basis of such allegation, MR Case No.780 of 2018 was instituted. In such MR Case, an order dated August 6, 2018 was passed. Thereafter, a subsequent order in such MR Case No.780 of 2018 dated August 14, 2018 was passed.

7. On perusal of those two orders in the MR case, we are not in a position to return a finding that the writ petitioner was required to be kept in custody beyond the period of the writ petitioner furnishing his bail in the three police cases.

8. The writ petitioner was kept in custody to be produced before the jurisdictional Court as sought to be contended on behalf of the State in respect of MR Case No.780 of 2018.

9. The plea of the State that, the custody of the writ petitioner was required for the purpose of producing the writ petitioner in respect of MR Case No.780 of 2018 is not found satisfactory. Orders passed therein did not require the writ petitioner to be kept in custody.

10. In such circumstances, we hold the period of detention of the writ petitioner between August 6, 2018 and October 5, 2018 was not sanctioned by law. The writ petitioner, therefore, is entitled to compensation for such period.

11. On the aspect of the quantum of compensation, the writ petitioner claims Rs.20 lakhs. However, the writ petitioner is unable to furnish adequate materials to sustain such a claim.

12. As noted above, the writ petitioner was working as a tea garden worker and was earning about Rs.600/- per day. The period of illegal detention is 60 days. Multiplying Rs.600/- per day for 60 days, the amount is Rs.36,000/-.

13. The writ petitioner is entitled to be compensated for mental agony as also for his plight of illegal detention. We venture to fix a compensation of Rs.5 lakhs in addition to the loss of employment. In aggregate, therefore, we award a sum of Rs.5,36,000/- as compensation to be paid by the State to the writ petitioner for the period of illegal detention that the writ petitioner suffered. Such compensation be paid within four weeks from date.

14. **WPA 20950 of 2018** is **disposed of**.

(Debangsu Basak, J.)

15. I agree.

(Aryak Dutt, J.)

(AD)

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