

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SSUO MOTO WRIT PETITION(CIVIL) No(s). 3/2026IN RE: SAFETY AND SECURITY OF JUDICIAL OFFICERS DEPUTED FOR WORK
RELATING TO SIR OF ELECTORAL ROLLS IN THE STATE OF WEST BENGAL AND
ANCILLARY ISSUES Petitioner(s)

Date : 06-04-2026 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : By Courts Motion, AOR

For Respondent(s) : Mr. Kapil Sibal, Sr. Adv.
Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Debanjan Mandal, Adv.
Mr. Kunal Chatterji, AOR
Ms. Fauzia Shakil, Adv.
Mr. Shourya Dasgupta, Adv.
Ms. Mahima Cholera, Adv.
Ms. Aparajita Jamwal, Adv.
Mr. S. Divatia, Adv.
Mr. Ankur Singhal, Adv.
Mr. Aman Naqvi, Adv.
Mr. Ashish Kumar Pandey, Adv.Mr. Tushar Mehta, Solicitor General
Mr. S.V. Raju, ASG
Mr. Annam Venkatesh, Adv.
Mr. Zoheb Hussain, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Debashish Tandon, Adv.Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Prateek Kumar, AOR
Mr. Abhinav Thakur, Adv.
Mr. Kumar Utsav, Adv.
Ms. Anamika Mishra, Adv.
Mr. Devansh Rai, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.

Dr. Menaka Guruswamy, Sr. Adv.

Mr. Ram Narayan Mohanty, Adv.

Mr. Sanjeev Kumar Agarwal, AOR

Mr. Siddharth Luthra, Sr. Adv.

Mr. Jaideep Gupta, Sr. Adv.

Mr. D.L. Chidananda, AOR

Mr. Karl Rustom Khan, Adv.

Mr. Suhail Ahmed, Adv.

Mr. Ishan Roy Choudhury, Adv.

Mr. Parv Arora, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. In deference to the order dated 02.04.2024 passed by this Court, we are informed that the Election Commission of India (ECI) has entrusted the inquiry to the National Investigation Agency (NIA). The NIA has consequently filed a preliminary status report in a sealed cover, which has been opened during the course of the proceedings. The contents of the report have been perused. We find that the FIRs mentioned therein were registered by the State Police. The details of the FIRs are as follows:

"Seven FIRs registered at Mothabari PS, Distt - Malda, West Bengal:-

(i) FIR no. 253 dated 01.04.2026 at about 00:05 hrs Sections 126(2) / 189(2) / 195(1) / 221/223/224/351(2) of BNS.

(ii) FIR No. 255 dated 02.04.2026, at about 00.05 hrs under sections 126 (2), 189 (2), 195 (1), 221, 223 & 224 of BNS.

(iii) FIR No. 256 dated 02.04.2026 at about 04.05 hrs under sections 109, 121, 121 (2), 126 (2), 127 (2), 132, 189 (2), 190, 221, 223, 224, 324 (4) & 351 (2) of BNS, Section 3 Prevention of Damage to Public Property Act, 1984 and section 9 Maintenance of Public Order Act.

(iv) FIR no. 257 dated 02.04.2026 at about 05:05 hrs, Sections 126(2)/189(2)/195(1)/221/223/224/351(2) of BNS.

(v) FIR No. 258 dated 02.04.2026 at about 08:15 hrs under sections 126(2)/221/189(1)/ of BNS r/w Sec 8(B) of National Highway Act.

(vi) FIR no. 260 dated 02.04.2026 at about 17:53 hrs, Sections 126(2)/189(2)/195(1)/221/223/224 and Section 351(2) of BNS.

(vii) FIR no. 261 date 02.04.2026 at about 18:30 hrs, Sections 126(2)/189(2)/195(1)/221/223/224 of BNS.

Five FIRs at Kalichak PS:-

(viii) FIR No. 458 dated 02.04.2026 at about 01:15 hrs under sections 126(2)/221/189(1)/ of BNS R/W Sec 8(B) of National Highway Act.

(ix) FIR No. 459 dated 02.04.2026 at about 01:35 hrs under sections 126(2)/221/189(1)/ of BNS r/w Sec 8(B) of National Highway Act.

(x) FIR no. 460 date 02.04.2026 at about 14:25 hrs, Section 126(2)/221/189(1)/ of BNS r/w Sec 8(B) of National Highway Act.

(xi) FIR no. 461 date 02.04.2026 at about 14:35 hrs, Sections 126(2)/221/189(1)/49/61(2)/285 of the Bharatiya Nyaya Sanhita, 2023 read with Section 18 of the West Bengal Highways Act, 1964.

(xii) FIR no. 462 date 02.04.2026 at about 14:45 hrs, Sections 126(2)/221/189(1)/49/61(2)/285 of the Bharatiya Nyaya Sanhita, 2023 read with Section 18 of the West Bengal Highways Act, 1964."

2. Since there are serious allegations against the members of the State/local Police, we, in exercise of our powers under Article 142 of the Constitution of India, direct the NIA to take over the investigation of these cases irrespective of the offences for which such FIRs have been registered. The State/local Police is directed to hand over the entire record of investigation to the NIA

forthwith. The State Police is further directed to provide all the logistic support/assistance that may be required by NIA for taking over the ongoing investigation to a logical conclusion. The NIA will be at liberty to register further FIRs, if during the course of investigation, it is found that the offences as illustratively referred to in our order dated 02.04.2026 had other dimensions or involvement of the persons for different considerations.

3. Irrespective of the place of occurrence, the investigation report shall be submitted before the NIA Court at Kolkata. However, before filing the chargesheet, the NIA shall continue to submit the status reports to this Court, giving details of the investigation carried out from time to time. Further status report shall be filed on the date fixed.

4. The suspects who have been arrested so far by the State/local Police shall be independently interrogated by the NIA, and for this purpose, their custody shall be handed over to the NIA, even if meanwhile, they have been sent to judicial custody. It further seems that some of the suspects are still in Police custody. Let their custody also be handed over to the NIA forthwith.

5. In compliance with paragraph 13(vii) of the order dated 02.04.2024, the Chief Secretary and Director General of Police are present online. They have submitted their explanation affidavits, which are also taken on record. We hope and trust that both officers have now well understood the sense of responsibility and the manner in which they were expected to respond and provide assistance to the Hon'ble Chief Justice of the High Court when seven Judicial Officers were made hostages on 01.04.2026. Subject

to the report that may be sent by the Hon'ble Chief Justice of the High Court, we do not propose any further action against the officers to whom notices were issued vide above-mentioned order.

6. We, however, direct the Chief Secretary, Director General of Police and the entire civil and police administration of the State of West Bengal to extend full assistance and support to the Hon'ble Chief Justice of the High Court till the entire process of SIR is complete or the appeals by the Appellate Tribunals are decided.

7. List on 13.04.2026 at 3:00 PM.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR