

WPA(P) 142 of 2021

With

CAN 1 of 2021

CAN 3 of 2021

CAN 5 of 2022

CAN 6 of 2022

CAN 7 of 2022

CAN 8 of 2022

CAN 9 of 2022

CAN 10 of 2022

CAN 11 of 2022

CAN 12 of 2022

Susmita Saha Dutta

Vs.

The Union of India and Ors.

With

CPAN 667 of 2021

Anindya Sundar Das

Vs.

Sanjay Sarkar

With

WPA(P) 143 of 2021

With

CAN 4 of 2022

Anindya Sundar Das

Vs.

Union of India and Ors.

With

WPA(P) 144 of 2021

With

CAN 2 of 2021

CAN 3 of 2021

CAN 4 of 2022

Priyanka Tibrewal

Vs.

The State of West Bengal and Ors.

With

WPA(P) 145 of 2021

With

CAN 2 of 2021

CAN 3 of 2022

CAN 4 of 2022

Pradipta Arjun

Vs.

Union of India and Ors.

With

WPA(P) 146 of 2021

Smt. Aparajita Mitra

Vs.

The Union of India and Ors.

With

WPA(P) 147 of 2021
With
CAN 2 of 2021
Kuntal Mojumder
Vs.
Union of India and Ors.
With
WPA(P) 148 of 2021
With
CAN 1 of 2021
CAN 3 of 2021
Susheel Kumar Pandey
Vs.
State of West Bengal and Ors.
With
WPA(P) 149 of 2021
With
CAN 2 of 2021
CAN 3 of 2021
Marufa Bibi and Ors.
Vs.
State of West Bengal and Ors.
With
WPA(P) 167 of 2021
With
CAN 2 of 2021
Kashinath Biswas
Vs.
Union of India and Ors.

Mr. Surendra Kumar
 Ms. Anamika Pandey
 Ms. Sneha Singh
 for the applicant in CAN 8 to 12 of 2022 in WPA(P)
 142 of 2021

Mr. Debapriaya Samanta
 Mr. Samrat Ghosh
 Ms. Arpita Sarkar
 for the petitioner in WPA(P) 143 of 2021

Ms. Priyanka Tibrewal
 petitioner in-person in WPA(P) 144 of 2021

Mr. Subir Sanyal
 Ms. Sumouli Sarkar
 for NHRC in WPA(P) 144 of 2021

Mr. Nilanjan Bhattacharjee
 Mr. Dipanjan Sinha Roy
 Mr. Sailendra Mishra
 Mr. Sushil Mishra
 Mr. Debu Chowdhury
 for the petitioner in WPA (P) 145 of 2021

Mr. Samim Ahammed
 Ms. Gulsanwara Pervin
 for the petitioners in WPA(P) 149 of 2021

Mr. S.N. Mookherjee, AG
 Mr. Anirban Ray,GP

Mr. Raja Saha
 Mr. Debashish Ghosh
 Mr. Nilotpal Chatterjee

... ... for the State

Ms. Amrita Pandey
 Mr. Arijit Mazumder

... ... for the Union of India

Mr. S. V. Raju, ASG
 Mr. K. C. Mishra
 Mr. Kallol Mondal
 Mr. Samrat Goswami
 Mr. Anshuman Singh
 Mr. Ankit Bhatia
 Mr. Harsh Paul Singh

... ... for the CBI

Mr. Ayan Bhattacharjee
 Mr. Anand Keshri
 Mr. Ayan Poddar

... ... for the SIT

Learned ASG has also filed the 7th status report on post poll violence cases which is taken on record.

Learned ASG appearing for the CBI has drawn the attention of this Court to the order dated 19th May, 2022 and has submitted that the investigation in the murder case of Mathabhanga P.S. FIR 180 of 2021 and FIR 181 of 2021 is required to be handed over to the CBI in pursuance to the direction of this Court dated 20th April, 2022. He has submitted that on the previous date learned Advocate General had sought time to examine this issue and to do the needful, but till now these cases have not been transferred for investigation to the CBI and the papers have not been handed over.

Pressing the CAN 6 of 2022 he has submitted that the main murder case is being investigated by the CBI but there is a cross case registered being FIR 190 of 2021 dated 4th July, 2021 in P.S. Nodakhali, district South 24 Parganas. Therefore, though this cross case is not

covered by the Full Bench judgment of this Court but is required to be investigated by the CBI otherwise it will result into multiplicity of findings and inconsistent findings which will complicate the matter.

Similarly, pressing CAN 7 of 2022 he has submitted that there are three cases i.e., FIR 94 of 2021 dated 04.05.2021 of Dhaniakhali P.S., district Hooghly, FIR 341 of 2021 dated 25.06.2021 of Dinhati P.S., Cooch Behar and FIR 118 of 2021 dated 11.06.2021 of Farakka P.S., district Murshidabad.

Learned ASG has also submitted that CBI is already investigating these cases and CAN 7 of 2022 has been filed only to intimate this Court about it.

Learned ASG has also submitted that the Magistrate has misinterpreted the order of this Court while passing the order dated 8th February, 2022 in GR No.463 of 2021 and the order dated 10th May, 2022 in Miscellaneous petition of 22 of 2022. These orders are filed along with the supplementary affidavit on behalf of the petitioner/CBI dated 21st June, 2022.

Learned counsel for the State submits that copies of CAN 6 of 2022 and CAN 7 of 2022 and the supplementary affidavit on behalf of the CBI have not been served.

Let the same be supplied to the counsel for the State during the course of the day.

Learned Advocate General is granted 10 days time to file response to the CAN 6 of 2022, CAN 7 of 2022 and supplementary affidavit of the CBI filed today.

The prayer for transfer of investigation of murder case in FIR 180 of 2021 and FIR 181 of 2021 has been opposed by the learned Advocate General by referring to certain factual background of those cases.

Hence, we permit the learned ASG for CBI and learned Advocate General to place on record their respective stands in respect of transfer of investigation of these cases in writing so that it can be properly examined.

The status report filed by the SIT is taken on record.

Learned counsel for the SIT referring to the report has pointed out that 50 cases were received by the SIT from the CBI out of which in 41 cases charge-sheets have been filed, two FRMF, one FRT, two NCR, one unnatural death and six cases are under investigation.

CAN 8 of 2022, CAN 9 of 2022, CAN 10 of 2022, CAN 11 of 2022 and CAN 12 of 2022 have been filed in WPA(P) 142 of 2021 with the prayer to transfer certain cases to the CBI.

Learned counsel for the applicants submits that she will serve copies of these applications to learned counsel for the State during the course of the day.

Let the reply to these applications be filed within 10 days.

In re : CPAN 667 of 2021

Learned counsel for the petitioner is permitted to serve the alleged contemnor and file affidavit of service.

He is also permitted to serve a copy of the supplementary affidavit along with annexures to the alleged contemnor.

In re : WPA (P) 145 of 2021 with CAN 3 of 2022 & CAN 4 of 2022

Learned counsel for the petitioner has filed CAN 3 of 2022 seeking compensation in terms of the direction of this Court in the Full Bench order. A copy of this application has been supplied to learned Advocate General in the Court today.

Let the instruction be obtained within 10 days.

CAN 4 of 2022 has also been filed seeking a direction to the SIT to consider the complaints of the victims mentioned in paragraph 9 of the application.

Learned counsel for the petitioner is directed to supply a copy of CAN 4 of 2022 to learned counsel for the SIT during the course of the day.

Let the instruction be obtained within 10 days.

Let the report filed by the CBI be supplied to the learned Advocate General within 2 days.

In re : WPA (P) 144 of 2021

Learned counsel appearing for the Committee constituted by this Court submits that the report is in the process of being compiled, therefore she seeks two weeks' time to file the report.

In re : WPA 149 of 2021

Affidavit-in-opposition on behalf of the State as also the affidavit dated 19th May, 2022 filed today by the petitioner are taken on record.

Learned counsel for the petitioner is directed to supply a copy of this affidavit to learned counsel for the State within 2 days.

Learned counsel for the State is granted 10 days time to obtain instruction.

List on 11th July, 2022.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)