

January 3, 2022  
Sl. No.13-22  
Court No.1  
SG/s.biswas

WPA(P) 142 of 2021  
With  
CAN 1 of 2021  
With  
CAN 3 of 2021  
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 2 of 2021  
Anindya Sundar Das  
Vs.  
Union of India and Ors.

With  
WPA(P) 144 of 2021  
With  
CAN 2 of 2021  
With  
CAN 3 of 2021  
Priyanka Tibrewal  
Vs.  
The State of West Bengal and Ors.

With  
WPA(P) 145 of 2021  
With  
CAN 2 of 2021  
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  
With  
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  
With  
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.

(Through Video Conference)

Mr. Debopriya Samanata  
... for the Petitioner in WPA(P) 143 of 2021

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

Mr. Dhiraj Trivedi,  
Mr. Debu Chowdhury,  
Mr. Tirthapati Acharya,  
Mr. Shailendra Mishra,  
Mr. Samrat Ghosh,  
Mr. Bikash Kr. Singh, Advocates  
... for the Petitioner in WPA(P) 145 of 2021

Mr. Loknath Chatterjee  
...for the Petitioner in WPA(P) 146 of 2021

Mr. Samim Ahmed,  
 Ms. Gulsanwara Pervin, Advocates  
 ...for the Petitioner in WPA(P) 149 of 2021

Mr. Rabi Sankar Chattopadhyay,  
 Mr. Suman Sankar Chattopadhyay,  
 Mr. Soumen Banerjee,  
 Mr. Intiaz Ahmed, Advocates  
 ...for the Petitioner in WPA(P) 167 of 2021

Mr. Soumen Mohanty  
 Ms. Shrivalli Kajaria, Advocates  
 ...for the D.G. of Police and S.Ps. of Police

Mr. Y.J. Dastoor, Additional Solicitor General  
 Mr. Phiroze Edulji  
 Mr. Bhaskar Prosad Banerjee  
 Ms. Amrita Pandey  
 Mr. Arijit Majumdar, Advocates  
 ...for the Union of India

Mr. S.N. Mookherjee, Advocate General  
 Mr. Anirban Ray, Government Pleader  
 Mr. Raja Saha  
 Mr. Suman Sengupta  
 Mr. Debashish Ghosh, Advocates  
 ...for the State

Mr. Ayan Bhattacharyya, Advocate  
 ...for the S.I.T.

Mr. Sidhant Kumar  
 Mr. Manyaa Chandok  
 Mr. Anuran Samanta, Advocates  
 ...for the ECI

In WPA (P) 144 of 2021, supplementary affidavit has been filed by the petitioner. Petitioner in person referring to annexure-B has submitted that these are the persons who are victims of post-poll violence and have not been allowed to come back to their residential houses and referring to page 20, annexure-C dated 4<sup>th</sup> December, 2021, she has submitted that these are the cases for offence under Section 302 of the IPC, therefore required to be investigated by the C.B.I. as they relate to post-poll violence and referring to the

communication dated 28<sup>th</sup> September, 2021, annexure-C, she has submitted that it has direct correlation with the election and in consequent thereto these workers have not been allowed to enter the factory and they are deprived of their lawful rights.

Learned Advocate General has prayed for two weeks time by submitting that the report in terms of annexure-B has already been sought from the appropriate authority and cases on pages 20 and 28, annexue-C, are not related to post-poll violence.

Learned Advocate General is directed to file an appropriate affidavit-in-opposition.

SIT has filed the report disclosing that in all 689 cases were registered in the State of West Bengal as per the complaint as mentioned in the report of the NHRC. After investigation charge-sheets have been filed in 573 cases and closure reports have been submitted in 63 cases. It is pointed out by learned counsel for the SIT that at the time of preparation of the report, 12 cases were under investigation. Thereafter, investigation in 2 cases has been completed and charge-sheet has been filed and now only 10 cases are under investigation.

Learned counsel for the SIT is directed to file a report in respect of remaining cases on the next date of hearing.

Learned Additional Solicitor General has also filed the report on behalf of the CBI, Special Crime Branch,

Kolkata disclosing that 52 cases were sent for investigation to the CBI, out of which 2 were transferred to SIT and the investigation in 50 cases was undertaken. He has pointed out that in 10 cases, investigation is complete and charge-sheet has been filed and 38 cases are under investigation. He has also submitted that in 2 cases further information has been sought from the NHRC.

Learned Additional Solicitor General is directed to file a further report in respect of the cases which are still under investigation.

Learned counsel appearing for the petitioner in WPA(P) 149 of 2021 has submitted that the husband of the petitioner was murdered in post-poll violence and the position in respect of the registration of case and investigation is not known.

Learned counsel for the petitioner in WPA(P) 149 of 2021 is directed to provide a copy of the petition along with enclosures to learned Additional Solicitor General, who will look into it and apprise this Court about the allegation made therein on the next date of hearing.

Argument has also been made by some of the learned counsel for the petitioners that though the petitioners are the victims of post-poll violence, but they do not know the outcome of their complaints.

Learned counsel for the SIT and CBI are directed to place on record the information available with them about the action taken and the status of complaint of each of the petitioner in the writ petitions listed today.

Mr. Samim Ahmed, learned counsel for the petitioner in WPA (P) 149 of 2021 also submits that he is in the process of collecting the details and will submit the list to learned Advocate General in pursuance to the previous order dated 8<sup>th</sup> November, 2021 within two weeks.

Learned Additional Solicitor General has also sought liberty to approach SIT or the State Government if CBI comes to know about any case relating to post-poll violence which is required to be investigated by the CBI as per the earlier order of this Court.

The CBI will be at liberty to do so.

List on 24.01.2022.

**[Prakash Shrivastava, C.J.]**

**[Kesang Doma Bhutia, J.]**