

March 7, 2024
AD 34
Ct. No.14
SG

WPA 6846 of 2024

Adhir Ranjan Chowdhury

vs.

The State of West Bengal and others

Mr. Pratip Kumar Chatterjee

Mr. Mrityunjoy Chatterjee

Mr. Debapriya Majumder

Mr. Akash Sarkar

... for the petitioner.

Mr. Amitesh Banerjee

Mr. Tarak Karan

... for the State.

Affidavit of service filed in Court is taken on record.

Learned counsel representing the petitioner submits as follows. The petitioner is the Chairman of the Accounts Committee of the Parliament. He is also the State President of the Indian National Congress. While the rally was being held from Manipur to the western part of India by the petitioner's leader namely, Rahul Gandhi, an unfortunate incident occurred. The rear windshield of the leader's car was broken. After four days of incident, an FIR was lodged alleging that the petitioner was spreading rumours that this incident occurred inside the State of West Bengal while actually the same had

attended with mala fide and was initiated to seek vengeance against a political opponent.

Learned senior counsel representing the State denies the allegations and submits that on the utterances of the petitioner, a very prominent leader of a political party in West Bengal, was indeed likely to cause fear in the minds of the people and could have instigated any member of the public to commit an offence against the State or against public tranquility. A prima facie case is made out against the petitioner. The State would like to file opposition in this case.

It has to be tested whether at all any utterance of such nature, as alleged, is capable of inciting someone to cause an offence against the State or against public tranquility as referred to in Section 505(1)(b) of the Penal Code. However, supporters of a particular political party are hardly capable of being termed as a group in respect of 505(2) of the Penal Code.

The matter needs to be heard at length.

Opposition, if any, be filed within a fortnight from this date. Reply, if any, be filed within a week thereafter.

List the matter for further hearing on 3rd April, 2024.

The State shall produce the case diary on that date.

The investigating agency shall not file any report in

The petitioner shall be at liberty to pray for stay of the proceeding on the next date upon production of the case diary by the State.

Notice, if any, issued under Section 41A of the Code shall remain suspended.

If any interrogation of the petitioner is to be made, the same shall be done by video-conference upon giving a forty-eight hours' prior notice by the investigating agency.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

Parties shall act on a server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]