

May 4, 2022
Sl. No.2 & 3
Court No.1
s.biswas

WPA (P) 168 of 2022

Pallabi Chatterjee and others
vs.
The State of West Bengal and others

With

WPA (P) 169 of 2022

Tiyasa Biswas
vs.
The State of West Bengal and others

Ms. Sushmita Saha Dutta
Mr. Sabyasachi Roy Choudury
Mr. Rajesh Kumar Shah,
Ms. Pallavi Chatterjee, Advocates

... for the petitioners
in WPA (P) 168 of 2022

Ms. Pinky Anand, Senior Advocate
Mr. Krishnendu Bhattacharya,
Mr. Lokenath Chatterjee,
Mr. Sukanta Ghosh,
Ms. Pranati Goswami,
Ms. Sanchita Barman Roy
Ms. Ashima Roy Chowdhury,
Ms. Sabita Roy,
Ms. Rini Bhattacharyya,
Ms. Sarda Sha
Mr. Rajesh Kumar Shah, Advocates

... for the petitioner
in WPA (P) 169 of 2022

Mr. Sumit Roy, Advocate

... for the respondent No.5/WBSEDCL
in WPA (P) 168 of 2022

Mr. Anish Kumar Mukherjee
Mr. Amrit Sinha
Mr. Surojit Saha, Advocates

... for the respondent No.2
in WPA (P) 169 of 2022

Mr. S. N. Mookherjee, Id. AG
Mr. Amitesh Banerjee, Sr. Standing Counsel
Ms. Ipsita Banerjee
Mr. Nilotpal Chatterjee, Advocates

... for the State

Mr. Dhiraj Trivedi, Id. Asstt. Solicitor General
Ms. Sumita Sarkar, Advocate

... for the Union of India

Mr. Anirban Ray, Id. GP
Mr. T. M. Siddiqui,
Mr. Debasish Ghosh, Advocates

... for the respondent No.7

Mr. Billwadal Bhattacharyya, Id. Asstt. Solicitor General
Mr. Samrat Goswami, Advocate

... for the C.B.I.

Mr. Kishore Datta, Senior Advocate

... for the victim's father

Learned counsel for the petitioner has filed the affidavits of two seizure witnesses in respect of the seizure which took place on 22nd April, 2022 and 23rd April, 2022.

She submits that in one of the seizure lists, the signatures of the witnesses were obtained upon the misrepresentation that the said signatures were being taken for the purpose of investigation and on another seizure list, the signatures of these two witnesses have been forged.

She has also filed the certified copy of the seizure list along with the affidavit as also the complaint which was made in this regard to the Superintendent of Police, Jalpaiguri Sadar.

She has also filed an affidavit along with a pendrive containing the version of the victim's sister, father and the accused. A copy of these affidavits have been supplied to the learned Advocate General who seeks two days' time to look into these affidavits and respond to them.

Shri Kishore Datta, learned Senior Advocate representing the father of the victim has submitted that the father of the victim is present in Court and he does not want that the investigation should be transferred to the C.B.I.

At this stage we decide to ascertain, during lunch break, from the man who was stated to be father of the

victim if he is making the statement before this Court with free will. One of us, Hon'ble Justice Bharadwaj had interacted with the said father of the victim in Chamber to ascertain the above fact. The father of the victim has disclosed that when the victim was in the hospital, she had asked him to ensure that the accused who had committed the crime, must be punished. He has also disclosed that he does not understand what is meant by C.B.I. He has also stated that the brother of the accused is a leader of the ruling party and that he was asked by the local residents of the village that the police is investigating the matter and arrest has been made, therefore what is the need for investigation by the C.B.I. The father of the victim has also disclosed that he was given the contact number of the senior advocate by one of the local residents and asked to contact him, therefore learned advocate is appearing for him.

Having regard to the chain of events, which are reflected above as also the nature of allegations which have been made and the circumstances of the case, we are of the opinion that presently the investigation needs to be carried out under the supervision of Shri Amit P Javalgi, IPS, DIG, Jalpaiguri Range. Hence we direct accordingly.

Meanwhile, proper security is also required to be provided to the family members of the victim and the witnesses. Therefore, the Inspector General of Police,

West Bengal is made responsible to extend full protection to them and to ensure that no pressure is exerted and no threat is extended to them.

We make it clear that we have not rejected or closed any of the prayer made in the petition.

List on 11th May, 2022.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]