

29-03-2022
ct no. 13
Sl. 420
sp

WPA 5418 of 2022
(Through Video Conference)
Purnima Kandou & Anr.
-Versus-

The State of West Bengal & Ors.

Mr. Ritzu Ghoshal,
Mr. Koustav Bagchi,
Ms. Priti Kar,
Mr. Debayan Ghosh,
Mr. Asfak Ahammed

....for the petitioners

Mr. S.N. Mookherjee,
Mr. Samrat Sen,
Mr. Anirban Ray,
Mr. Debasish Ghosh,
Mr. Nilotpal Chatterjee,
Mr. Arka Nag

....for the State

Mr. Ayan Bhattacharjee,
Mr. Suman Majumdar

....for the respondent no.5

Mr. Y.J. Dastoor, Id. A.S.G.,
Mr. Billwadal Bhattacharyya,
Mr. Phiroze Edulji,
Mr. Samrat Goswami

....for the CBI

Affidavit-of-service filed in Court today is
taken on record.

The writ petition has been filed by the
petitioner no.1, who is the wife of one Tapan
Kandou. The petitioner no.2 is the nephew of Tapan
Kandou. Tapan Kandou was the successful
candidate of the Indian National Congress Party in
the recent municipal election held to the Jhalda
Municipality in the District of Purulia.

Counsel for petitioners submits that after the results of the municipal election were declared, it was found that five seats were won by the Trinamul Congress and five by the Indian National Congress. Both the victim as well as the petitioner no.1 herself were victorious in being elected as councillor, representing the Indian National Congress. Two independent candidates had also succeeded.

The petitioners allege that Tapan Kandu was being regularly coerced and threatened by the OC, Jhalda P.S. into joining the TMC to enable the latter to form the Jhalda Municipal Board. The said Tapan Kandu had refused to yield to such pressure.

On March 13, 2022, when the said Tapan Kandu was on an evening walk, some assailants shot him down with bullets. He was severely injured and fell down close to a police naka/check post. It is submitted that despite being in proximity, police personnel present in the naka did not take the said Tapan Kandu to the hospital. He died immediately thereafter.

The first grievance of the petitioner no.1 is that when she had gone to lodge a complaint with the Jhalda Police Station, it was declined. She later on went to the Superintendent of Police and lodged a complaint, which was kept for

consideration. In the meantime, the Jhalda Police registered an FIR against unknown persons in this matter.

It is argued by the counsel for the petitioners, that since the Officer-in-Charge of the said Police Station being respondent no.5 was the person who was trying to intimidate the deceased Tapan Kandu into joining the TMC, it is unlikely that the State Administration and the police would allow a fair investigation to be conducted.

It is also argued that when the petitioner no.1 herself has named certain persons in her complaint, the Jhalda Police should have named the accused persons when registering the FIR.

This Court prima facie finds that the Jhalda Police might have been in violation of the dicta of the Supreme Court in the case of ***Lalita Kumari vs. Govt. Of U.P. & Ors*** reported in ***(2014) 2 SCC 1***. However, unless the progress of investigation is ascertained, it would be premature to form any opinion on the main prayer made in the writ petition for transfer of the investigation from the State Police to CBI.

The request of the petitioner no.2 for police protection is prima facie justified, since it is submitted that the petitioner no.2 (nephew) was also continuously receiving threats from the

Officer-in-Charge, Jhalda Police Station to compel Tapan Kandu to join the ruling party.

Let this matter stand adjourned and be listed on **April 1, 2022** at **3.30 p.m.**

The Superintendent of Police, Purulia shall produce the case diary and submit a brief report as regards the investigation conducted till now.

The Officer-in-Charge, Jhalda Police Station shall ensure appropriate security to the petitioner no.2 immediately.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)