

March 23, 2022  
Suppl. List  
Sl. No.1-5  
Court No.1  
SG/s.biswas

WPA (P) 130 of 2022

*The Court on its own Motion  
In re: The Brutal Incident of Bogtui Village,  
Rampurhat, Birbhum*

*With*

WPA (P) 124 of 2022

*Anindya Sundar Das  
vs.  
Union of India and others*

*With*

WPA (P) 125 of 2022

*Tarunjyoti Tewari  
vs.  
Union of India and others*

*With*

WPA (P) 126 of 2022

*Priti Kar  
vs.  
The State of West Bengal and others*

*With*

WPA (P) 129 of 2022

*Sayanti Sengupta  
vs.  
The State of West Bengal and others*

Mr. Sabyasachi Chatterjee,  
Mr. Shamim Ahmed,  
Mr. Soumya Dasgupta,  
Ms. Debolina Sarkar,  
Mr. Koustav Bagchi,  
Mr. Asfak Ahammed,  
Mr. Subhrajit Saha,  
Mr. Rajnil Mukherjee,  
Mr. Sayan Banerjee,  
Ms. Anindita Banerjee Saha, Advocates

... for the intervenor  
in WPA (P) 130 of 2022

Mr. Phiroze Edulji,  
Mr. Nilendu Bhattacharya,

Mr. A. K. Upadhyay,  
 Mr. Debapriya Samanta,  
 Mr. Dipankar Dandapath,  
 Mr. Idratanu Das Mahapatra, Advocates  
 ... for the petitioner  
 in WPA (P) 124 of 2022

Mr. Kumar Jyoti Tewari,  
 Ms. Purabi Saha,  
 Mr. Arijit Majumdar,  
 Mr. Uttam Basak,  
 Mr. Saket Sharma,  
 Mr. Arka Bhattacharyya,  
 Mr. Anirban Mitra,  
 Mr. Aniruddha Tewari,  
 Mr. Bijoy Lakhi Seal, Advocates  
 ... for the petitioner  
 in WPA (P) 125 of 2022

Mr. Koustav Bagchi,  
 Mr. Debayan Ghosh, Advocate  
 ... for the petitioner  
 in WPA (P) 126 of 2022

Mr. Rabi Shankar Chattopadhyay,  
 Mr. Uday Shankar Chattopadhyay,  
 Mr. Santanu Maji,  
 Mr. Jamiruddin Khan, Advocates  
 ... for the petitioner  
 in WPA (P) 129 of 2022

Mr. S. N. Mookherjee, Id. AG  
 Mr. Samrat Sen, Id. AAAG  
 Mr. Anirban Ray, Id. GP  
 Mr. Md. T. M. Siddiqui,  
 Mr. D. Ghosh,  
 Mr. N. Chatterjee, Advocates  
 ... for the State

Mr. Y. J. Dastoor, Id. ASG  
 Ms. Amrita Pandey, Advocate  
 ... for the Union of India  
 in WPA (P) 124 of 2022

Mr. Y. J. Dastoor, Id. ASG  
 Mr. Debasish Tandon, Advocate  
 ... for NIA  
 in WPA (P) 124 of 2022

Mr. Y. J. Dastoor, Id. ASG  
 Mr. Vipul Kundalia,  
 Ms. Amrita Pandey, Advocates  
 ... for the CBI  
 in WPA (P) 126 of 2022

Mr. Dhiraj Trivedi, Id. Asst. Solicitor General  
 Mr. Shailendra Kumar Mishra,  
 Mr. Rishav Kumar Thakur, Advocates  
 ... for the respondent Nos.1, 3 & 4  
 in WPA (P) 125 of 2022

Mr. Billwadal Bhattacharyya, Id. Asst. Solicitor General  
Mr. Debu Chowdhury, Advocate

... for the CBI  
in WPA (P) 126 & 129 of 2022

We have registered this suo motu petition on the basis of media reports about the unfortunate incident which has taken place at late night on 21.03.2022 at Bogtui village in Rampurhat (Birbhum) in the State of West Bengal.

As per newspaper reports, some miscreants had set 10 houses in Bogtui village on fire resulting in death of at least 8 persons including a child, 6 women aged between 7 to 52 years and a newly married couple.

The suo motu petition has been registered to ensure that the fair investigation takes place and those who are responsible for the incident are traced out and adequately punished.

In this suo motu petition one Mr. Sabyasachi Chatterjee, a practicing advocate of this Court has filed the supplementary affidavit pointing out following deficiencies in the investigation:

“(a) no forensic sample has been collected (b) Local villagers are terrorised (c) no measures has been taken by the police administration to restore the normalcy in the said area (d) the villagers are being terrorised by the goons of All India Trinamool Congress so that they cannot even go the Police Station to lodge the complaint (e) the victims who

have suffered bodily injury and presently hospitalized are required to be protected and their statements are required to be collected by the police for the purpose of the investigation (f) the evidence are required to be preserved but it appears that by not taking any appropriate measures to preserve those evidences the police authority is trying to tamper the evidence of the incident (g) the villagers particularly the male members of the village Bagdui, Rampurhat have been forced to leave the village due to fear and they are still leaving the village so that peace must be restored immediately in order to build up the confidence of people”.

In WPA (P) 124 of 2022 supplementary affidavit has been filed seeking permission to strike out the pleadings contained in paragraph 2 of the petition.

The prayer is allowed and necessary correction be made.

Certain PILs have also been filed raising the grievance relating to this incidents, which are now tagged with the suo motu petition.

Learned counsel for the parties in those petitions have been heard.

Learned counsel appearing for the petitioner in connected WPA (P) 124 of 2022 has submitted that there are two witnesses of the incident and one of them has

died and the other witness is a minor who is required to be protected.

He has further submitted that the forensic team from C.F.S.L., Delhi should be called to collect the evidence for the purpose of forensic examination as there is serious doubt about fairness of the investigation by the SIT.

He has also submitted that one Mr. Gyanbant Singh is one of the member of the SIT, against whom there was a allegation of murder of one Rizwanur Rahaman in the year 2007, therefore he was kept out of work till 2014 and the other member of SIT is one Mr. Sanjay Singh, ADG, Western Zone, who was removed by the Election Commission of India in the year 2021 for interfering in the election process.

It has also been submitted that Mr. Gyanbant Singh is invariably included in the SIT and earlier also he was a member of the SIT in the murder case of Anish Khan and his inclusion is for some purpose.

Submission has been made to issue direction to preserve the evidence as also quarden off the places of occurrence so that evidence is not destroyed till CBI or any independent investigating agency is appointed.

In WPA (P) 125 of 2022 the argument has been advanced that the eyewitnesses are being threatened and all the residents of the village especially the male persons

have been forced to leave the village and therefore, there is a need to provide security to the villagers.

In WPA (P) 126 of 2022 the argument of learned counsel for the petitioner is that now no one left in the village, therefore, confidence building steps must be taken and that the high officials such as DG of police, without there being any investigation, are making statement that there is no political angle in the incident, which is not correct.

In WPA (P) 129 of 2022 also similar arguments have been advanced.

In the above background a prayer has been made in the petitions that the investigation should be transferred to the CBI or any other independent investigating agency.

Responding to the above submission learned Advocate General has submitted that the investigation is in progress and there is no objection if appropriate directions are issued for the purpose of protecting the scene of crime, witnesses or taking steps for confidence building in the village. He has also submitted that the forensic team of the State (S.F.L.) has collected and in the process of further collecting the evidence from the spot for forensic examination.

Relying upon the judgment in the matter of *the State of West Bengal and others vs. Sampat Lal and others* reported in 1985 (1) SCC 317 Id. AG has submitted that unless the State is given an opportunity to produce the

report of investigation and unless the Court is satisfied on perusal thereof that the investigation has not been carried out in the proper manner, there is no need to transfer the investigation to any other agency.

Before reaching to any conclusion about deficiency in investigation as alleged, we deem it proper that case diary/report relating to ongoing investigation be produced before this Court.

Ld. ASG has submitted that CBI has no objection to investigate and C.F.S.L., Delhi has no objection in collecting and doing the forensic testing of evidence.

Having regard to the nature of the incident which has taken place and its impact on the society as also considering the serious doubt which has been expressed by the petitioners about the fairness of the investigation by the SIT and also keeping in mind the object that the investigation should be thorough and truth should come out, we issue the following directions at this stage:

- (i) The State will immediately install CCTV cameras with DBR having sufficient memory in the presence of the District Judge, Purba Bardhaman covering the places of occurrence from all the angles and will do continuous recording until further order of this Court;
- (ii) The team from C.F.S.L., Delhi is directed to visit the places of occurrence and collect the necessary material for forensic examination

without any delay in the presence of the District Judge of the district Purba Bardhaman;

- (iii) The DG and IG of Police in consultation with the District Judge, Purba Bardhaman will ensure that witnesses are adequately protected and not threatened or influenced by anyone.
- (iv) On instruction learned Advocate General has informed that post-mortem of the dead-bodies have already been done.

If any post-mortem remains, then the videography of the same will be done and in the report which will be filed before this Court, it will duly be disclosed if videography of all the post-mortem has been done or not.

- (v) State authorities will take all possible confidence building measures in the village concerned and nearby areas so that the villagers return back to their house.
- (vi) The Ld. AG is directed to produce the case dairy/report of investigation before this Court by tomorrow, at 2 p.m.

List on 24.03.2022 at 2 p.m.

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

**[Rajarshi Bharadwaj, J.]**