

HIGH COURT OF TRIPURA
AGARTALA

WP(C) (PIL) 2 OF 2023

Court on its own motion vrs. The State of Tripura & Ors.

Present:

Court on its own :
motion

For the respondent (s) : Mr. S.S.Dey, Advocate General.
Mrs. A. Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR.JUSTICE ARINDAM LODH

24.01.2023

Order

This is a matter relating to a news item published on 04th January, 2023 in the local daily newspapers namely, "Tripura Times" and "Dainik Sambad" in regard to attacking the residence of former Chief Minister of the State and Member of Parliament (Rajya Sabha), Mr. Biplab Kumar Deb at Jamjuri, Udaipur, South Tripura.

The gist of the news item were that on 03.01.2023 when the annual rituals commemorating the death anniversary of Mr. Deb's father, Hirudhan Deb was going on, a group of CPIM assailants ransacked and damaged a vehicle and two-wheelers which were parked near the house of Mr. Deb. There was an Advocate and some priests from outside State who came to attend the ceremony and perform rituals. The attack sparked chaos and tension among the common people who were well aware that the death anniversary function would be held at Mr. Deb's house on the given date. It was assumed the miscreants decided to attack Mr. Deb's house in a planned manner to scare people and create disturbances in the area.

This court took *suo motu* cognizance of the matter and directed the Secretary, Department of Home, Government of Tripura to file a reply on that report.

As per direction of this court, an affidavit-in-reply has been filed by the Secretary, Home Department, Government of Tripura.

Today, we have heard Mr. S. S. Dey, learned Advocate General assisted by Mrs. A. Charkraborty, learned counsel appearing for the State-respondents.

Learned Advocate General at the very outset, submits that in connection with these incidents, several cases were registered at Kakraban Police Station on written complaints and one case was registered *suo motu*. During investigation, one person was arrested in connection with Kakraban PS Case No. 2023KKB003, dated 04.01.2023 on the basis of evidences and further investigations of cases are going on. In respect of the incident of vandalizing one vehicle i.e. Mahindra XUV 500, bearing registration no.DL-6-CP-0037 of Sadhu party with a sharp object like spear (Ballam); one motor cycle bearing registration no.TR03-H-4746 (Super Splender) and a Scooty bearing registration no.TR01W-7665, the investigation is still going on. So also the investigation is still going on in regard to damaging and setting fire of one fish feed shop and a sweet shop at the place of occurrence.

He assures this court that the investigations of cases are being looked after by the SDPO himself and it will be expeditiously investigated and will submit Charge-sheet or Final Report in accordance with law. It was media reports and there were clashes in between two political rival groups. Nobody will be spared and they will not be allowed to go scot-free. He further submits that neither the house of the particular person was attacked nor the rituals in anyway got hampered. Finally, he prays for closing this Public Interest Litigation.

This court however expresses its concern to the incident the manner in which it has occurred. It is unrealistic when a person of former Chief Minister and presently Member of Parliament (Rajya Sabha) with “Z Plus” category security, and when the programme is well informed the security arrangements, sensitizing of threat perception, law and order situation needs to be reviewed. But in this present scenario, it appears that the police department could have been more diligent. Such incidents would give scope for a citizen to comment upon the competence of the police department. In view of the above, this court directs the Home Secretary to hand over the responsibility of these cases to Superintendent of Police having jurisdiction for investigation and to file appropriate reports in accordance with law before competent court and authority.

With the above observations and directions, the present Public Interest Litigation is accordingly closed. However, this PIL will be re-opened as and when this court feels it necessary.

The instant writ petition accordingly stands disposed.

JUDGE

CHIEF JUSTICE (ACTING)

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