

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

The Hon'ble Mr. Justice Jay Sengupta

WPA 20750 of 2023

Chhelim Sk.

Vs.

The State of West Bengal & Ors.

For the Petitioner : Mr. Pratip Kumar Chatterjee.

For the State : Mr. Wasim Ahmed,
Sk. Md. Masud.

Heard on : 06.10.2023

Judgement on : 06.10.2023

Jay Sengupta, J. :

1. This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to investigate properly into the Nakashipara Police Station Case No.677 of 2023 dated 15.08.2023, to record the statements under Section 164 of the Code and to arrest the accused and alternatively, to have the investigation monitored by a former or a sitting Judge of this Court.

2. Learned Counsel appearing on behalf of the petitioner submits as follows.
The petitioner and his family members were the supporters of an opposition

political party. After the Panchayat Elections of 2023, the miscreants belonging to the ruling political dispensation, attacked the petitioner, entered into his house, caused grievous injuries, threw bombs and damaged articles. An FIR was registered being Nakashipara Police Station Case No.677 of 2023 dated 15.08.2023 under Sections 147, 148, 149, 326 and 307 of the Penal Code, Sections 25/27 of the Arms Act and 3/4 of Explosives Substances Act. Some of the accused persons have been arrested. The four main accused are still roaming free. There are other miscreants as well. All of them are now threatening the petitioner and other witnesses. After an intervention of this Court, the police have now posted a police picket near the house of the petitioner and have also provided the facility of using ambulance for the treatment of the injured. Still there are about 36 pellets inside the body of the victim, which need to be taken out. Necessary procedures may have to be undertaken in this regard.

3. Learned Counsel appearing on behalf of the State relies on a fresh report, which is taken on record and the case diary and submits as follows. The heinous crimes are being sincerely investigated by the police authorities. Eight accused were arrested. Raids were conducted to arrest the other accused. Necessary recoveries were made and statements were recorded under Section 164 of the Code. The police got a warrant of arrest issued against the absconding accused. Their praying for anticipatory bail has been rejected by this Court. On the next date before the Trial Court steps would be taken to have an order of proclamation issued against the absconding accused. Investigation of the case is nearly

complete. The police authorities are going to submit a charge sheet at the earliest, positively by 13th October, 2023.

4. It appears that upon intervention by this Court, not only proper steps have been taken by the Investigating Agency in respect of the investigation, but other facilities like user of ambulance and posting of police picket have also been provided by the respondent authorities.

5. Let the Investigating Officer conclude the investigation expeditiously and in accordance with law.

6. The facilities provided to the complainant like availability of an ambulance and the police picket shall continue for three months, as of now. The facility for user of ambulance shall continue till all the pellets are removed from the body of the victim.

7. No further order need be passed at this stage.

8. With these observations, the writ petition is disposed of.

9. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)