

24 25.01.2022
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WPA(P)/142/2021
CAN/1/2021
CAN/3/2021
SUSMITA SAHA DUTTA
VS
UNION OF INDIA AND ORS.
With
CPAN 667 of 2021
ANINDYA SUNDAR DAS
VS
SANJAY SARKAR
with
WPA(P)/143/2021
CAN/2/2021
ANINDYA SUNDAR DAS
VS
UNION OF INDIA AND ORS.
with
WPA(P)/144/2021
CAN/2/2021
CAN/3/2021
PRIYANKA TIBREWAL
VS
STATE OF WEST BENGAL AND ORS.
with
WPA(P)/145/2021
CAN/2/2021
PRADIPTA ARJUN
VS
UNION OF INDIA AND ORS.
with
WPA(P)/146/2021
APARAJITA MITRA
VS
UNION OF INDIA AND ORS.
with
WPA(P)/147/2021
CAN/2/2021
KUNTAL MOJUMDER
VS
UNION OF INDIA AND ORS.
with
WPA(P)/148/2021
CAN/1/2021
CAN/3/2021
SUSHEEL KUMAR PANDEY
VS
STATE OF WEST BENGAL AND ORS.
with
WPA(P)/149/2021
CAN/2/2021
CAN/3/2021
MARUFA BIBI AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
with
WPA(P)/167/2021
CAN/2/2021

KASHINATH BISWAS
VS
UNION OF INDIA AND ORS.
(Through Video Conference)

Mr. Bikash Ranjan Bhattacharjee,
Mr. Uday Sankar Chattopadhyay,
Mr. Debapriya Samanta,
Mr. Santanu Maji
..for the Petitioner in
CPAN 667 of 2021 and
WPA(P)/143/2021.

Ms. Priyanka Tibrewal
..Petitioner (In Person) in
WPA(P)/144/2021.

Mr. Debu Choudhury,
Mr. Sushil Mishra,
Mr. Sailendra Mishra,
Mr. Manabendra Bandyopadhyay,
Mr. Bikash Singh
..for the Petitioner in
WPA(P) 145 of 2021.

Mr. Loknath Chatterjee,
Mr. Sukanta Ghosh
..for the Petitioner in
WPA(P) 146 of 2021.

Ms. Souri Ghosal,
Mr. Prasayan Mukherjee,
Mr. Prabhat Kumar Singh
..for the Petitioner in
WPA(P) 147 of 2021.

Mr. Samim Ahmed
..for the Petitioners in
WPA(P) 149 of 2021.

Mr. Rabi Sankar Chattopadhyay,
Mr. Uday Sankar Chattopadhyay,
Mr. Anindya Sundar Das,
Mr. Soumen Banerjee,
Mr. Santanu Maji,

Ms. Payel Shome,
 Mr. Pranay Basak
 ..for the Petitioner in
 WPA(P) 167 of 2021.

Mr. Y.J. Dastoor, Additional Solicitor General,
 Mr. Phiroze Edulji,
 Mr. Bhaskar Prosad Banerjee,
 Ms. Amrita Pandey,
 Mr. Arijit Majumdar
 ..for the Union of India.

Mr. Ayan Bhattacharjee,
 Mr. Anand Keshri,
 Mr. Ayan Poddar
 ..for SIT.

Mr. S.N. Mookherjee, learned Advocate General,
 Mr. A. Ray,
 Mr. Raja Saha,
 Mr. Suman Sengupta,
 Mr. Debasish Ghosh
 ..for the State.

Mr. Sidhant Kumar
 Mr. Manyaa Chandok,
 Mr. Anuran Samanta
 ..for ECI in
 WPA(P)/143/2021,
 WPA(P)/147/2021,
 WPA(P)/148/2021,
 WPA(P)/149/2021 and
 WPA(P)/167/2021.

Mr. Anuran Samanta
 ..for ECI in
 WPA(P)/142/2021.

Ms. Shrivalli Kajaria
 ..for the Respondent No.1 in
 WPA(P)/142/2021.

Ms. Shakshi Rathi
 ..for the Respondent in
 WPA(P)/147/2021.

The learned ASG has filed the report on behalf of

CBI in pursuance to the earlier order which discloses that total 51 cases were registered out of which 48 were received from the NHRC and three on the basis of the individual complaints. He has informed that in 20 cases the charge-sheet has been filed after investigation and out of 20 cases in 18 cases there is an application under Section 173A of the Cr.P.C. for further investigation. He has also informed that as per the direction of this Court three cases have been transferred to the SIT and that now 28 cases are under investigation before the CBI. He has submitted that so far 203 accused have been charge-sheeted, 193 accused has been arrested, 114 NBW/P&A have been issued and 181 number of searches have been conducted and a statement of 101 persons under Section 164 of the Cr.P.C. has been recorded.

He has submitted that the petitioner in WPA(P) 149 of 2021 has not supplied a copy of the petition, so far, therefore, nothing could be done by the CBI in pursuance of the earlier direction in this regard.

Learned counsel for the SIT has also filed the report disclosing that 689 cases were registered in the State of West Bengal as per the complaints as mentioned in the report of the NHRC Committee, out of which 40 cases have been handed over to the CBI and after investigation the charge-sheets have been filed in

584 cases and closure reports have been filed in 64 cases. He has further submitted that as on the date of filing of this report yesterday only one case was pending for investigation, but now one more case has been received from the CBI for investigation.

He has also submitted that counsel for the petitioner in WPA(P) 149 of 2021 has not given the copy of the petition, therefore, nothing could be done in the petition.

He has also referred to the Action Taken Report contained in the tabular form in respect of nine connected petitions and has informed that the total number of complaints in the connected nine petitions are 323. But the name of the same complainants has been mentioned for multiple times, therefore, the actual number of complaints come to 290. He has informed that 138 GDE are closed after due enquiry and 25 non-cognizable reports have been filed in the competent court. He has also pointed out that 104 FIRs have been registered and 11 closure reports after investigation have been filed and that 62 charge-sheets have been submitted after investigation and eight cases are under investigation. He has also informed that 23 cases have been handed over to CBI for investigation. He has also submitted that he is filing writ petition-wise report in each of the connected petition today and he will hand

over a copy of the same to the counsel for the petitioners on their request.

Learned counsel for the petitioners are given opportunity to file exception to this report before the next date of hearing.

Learned Advocate General has also filed the report in the form of affidavit in respect of displaced persons as mentioned in the supplementary affidavit in WPA(P) 144 of 2021. In the report it is disclosed that out of 243 names mentioned in the Annexure-B of the supplementary affidavit, nine names are repeated, 117 persons are presently residing in their houses, 22 persons could not be contacted due to wrong or faulty contact numbers, 86 persons are residing at other places for professional, study and other reasons, one person has expired and five persons are absconding for involvement in criminal cases.

Learned counsel for the petitioner is granted time to file exception to the report before the next date of hearing.

Learned counsel for the petitioner has submitted that there are number of persons who are not in a position to come back to their houses on account of the fear and for want of police protection.

She is permitted to file the affidavit of those persons disclosing their full particulars. She is also

permitted to file the affidavit of those persons, who, according to them, have not been permitted to go back to their places.

List on 28th of February, 2022.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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