

21 **04.10.2021**
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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.

WPA(P)/142/2021
(Through Video Conference)

M/s. Dilip Kumar Samanta,
 Debapriya Samanta,
 Mansaram Mandal and
 Indratanu Mahapatra,
 Advocates (Present in Court)
 ..for the Petitioner in
 CPAN 667 of 2021 in
 WPA(P)/143/2021.

M/s. Dhiraj Trivedi,
 Debu Chowdhury,
 Santosh Singh,
 Ravi Sharma,
 Praneet Pranab and
 Abhishek Sarkar, Advocates (Through VC)
 ..for the Petitioner in
 WPA(P) 145 of 2021.

M/s. Loknath Chatterjee with
 Sukanta Ghosh, Advocates (Through VC)
 ..for the Petitioner in
 WPA(P) 146 of 2021.

Mr. Rabi Sankar Chattopadhyay,
 Mr. Uday Sankar Chattopadhyay,
 Mr. Soumen Banerjee,
 Mr. Santanu Maji,
 Ms. P. Shome,
 Ms. Smriti Das,
 Mr. Akash Biswas and
 Mr. S. Dutta, Advocates (Present in Court)
 ..for the Petitioner in
 WPA(P) 167 of 2021.

Mr. Y.J. Dastoor, Additional Solicitor General,
 Mr. Phiroze Edulji,
 Mr. P.B. Banerjee,
 Ms. Amrita Pandey,
 Ms. Anamika Pandey and
 Mr. Arijit Majumdar
 Advocates, (Present in Court)
 ..for the Union of India.

M/s. Y.J. Dastoor, Additional Solicitor General,
 Phiroze Edulji and
 Samrat Goswami, Advocates (Present in Court)
 ..for the CBI.

M/s. Anand Keshri with

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Gaurav Kumar, Advocates (Present in Court)
..for the SIT.

Mr. Suman Sengupta, Advocate (Present in Court)
..for the State.

Mr. Sanjay Basu,
Mr. Soumen Mohanty,
Ms. Shrivalli Kajaria and
Ms. Ranjabati Ray, Advocates (Through VC)
..for the DG of Police and
S.Ps. of Police.

Mr. Sidhant Kumar
Mr. Manyaa Chandok
Mr. Dipayan Chaudhury,
Mr. Suvrodal Choudhury and
Ms. Priyanka Chowdhury, Advocates(Through VC)
..for the ECI.

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In terms of the order passed by this Court on August 19, 2021 preliminary report has been submitted by the Special Investigation Team constituted by this Court under the signature of Suman Bala Sahoo, DGP (Telecommunication) West Bengal, who is heading the team.

A brief perusal of the report shows that the investigation is being carried out for which the State had spared services of ten senior IPS officers vide order dated September 01, 2021. A perusal of the aforesaid order shows that it has no reference to any request or meeting with the SIT. It apparently shows that the government of its own had spared the services of some of the officers to assist the SIT. In addition to that, vide order dated September 03, 2021

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certain other officers were specified to assist the SIT for different zones in the State. This also does not have reference to any request made by the SIT. Order dated September 07, 2021 is also in the same line.

At the time of hearing it was sought to be clarified that the aforesaid officers were selected after consultation with the SIT. However, there are no minutes of meeting of the SIT placed on record.

Vide order dated September 03, 2021 we had requested Hon'ble Ms. Justice Manjula Chellur, retired Chief Justice of this Court to monitor working of SIT. However, it was not disputed that for the aforesaid purpose she was not taken into confidence. It further transpires from the report that certain advocates have been appointed as legal advisers to advise on various issues with each of the zonal teams. Even for that purpose Justice Chellur has not been taken into confidence.

The learned counsel appearing for the petitioner in WPA(P) 167 of 2021 submitted that even the counsel, who is assisting on behalf of the SIT before this Court, is one of the panel counsel for appearance on behalf of the State.

Learned counsel appearing for the SIT has disputed this fact.

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One of the direction issued by this Court was for immediate action by the State to pay compensation to the victims of crime as per the policy of the State.

Learned counsel appearing for the State submitted that he does not have any information with reference to that to be furnished to the Court. He has sought time. This apparently shows total casual attitude in a serious matter.

Status report has also been filed by CBI in a sealed cover. It was opened. Briefly it mentions that total 40 FIRs' were registered. After investigation charge-sheets have been filed in seven cases. Certain further details have been mentioned regarding the manner in which the investigation is being carried out. We need not make that part of the order. However, Mr. Y.J. Dastoor, learned Additional Solicitor General submitted that the investigation of the cases is going on smoothly and they are not facing any difficulty. Wherever assistance is required of any agency, the same is being provided.

It was further pointed out at the time of hearing that the Special Leave Petitions, SLA (CrI.) 6643 to 6651 of 2021 have been filed by the State challenging the order passed by this Court on August 19, 2021, which are now listed on October 07, 2021. However, there is

no interim stay as such.

As Justice Chellur is having her native place in State of Karnataka, considering the seriousness of the matter, it is directed that the competent authority in the State shall communicate with the competent authority in the State of Karnataka to provide appropriate security cover to Hon'ble Ms. Justice Manjula Chellur till such time she is monitoring the investigation.

Adjourned to November 08, 2021.

A copy of the order be sent to Ms. Justice Manjula Chellur by Registrar General of this Court.

[Rajesh Bindal, C.J.(A)]

[Rajarshi Bharadwaj, J.]

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