

(2018) 04 CAL CK 0101

In the Calcutta High Court

Case No : W.P.15251(W) of 2014 (C.P.A.N. 1518 of 2014)

**DR. SANTANU CHATTOPADHYAY Vs HON'BLE??JUSTICE JOYMALYA
BAGCHI & ORS.**

Date of Decision : 02-04-2018

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Code of Criminal Procedure, 1973 — Section 397, 401, 482

Citation : (2018) 04 CAL CK 0101

Hon'ble Judges : DEBASISH KAR GUPTA,J;SHAMPA SARKAR,J

Bench : Division Bench

Judgement

This writ application is filed by two writ petitioners, namely; (1) Dr. Atanu Chattopadhyay and (2) Dr. Santanu Chattopadhyay with the following

prayers:-

(a) to grant interim and ad-interim security and relief to the victimised and high risk petitioners family and to guarantee our costly independence and

valued constitutional rights which were grossly violated and we are the victim of the impugned order of the Ld. C.J.M. Court, Barasat, North 24

Parganas and extorted by the state administration due to their personal grudge against our dedicated social works and fundamental duties.

Â AND

(b) to provide an urgent constitutional remedies under the Article 226 and 227 of the Constitution of India and also act u/s 397,401 & 482 of the

Cr.P.C. to impose stay order against all impugned criminal matter proceeding including the G.R. no.1400464/205 FIR no.73/2005, GR No.4444/12,FIR

no.683/12, G.R.No.180/14 FIR no.40/14, G.R. no.455/14 FIR No.41/14Â and to call for all the record of Ld. Barasat Court and quash the false case

against the petitioners.

Â Â AND

(c) to provide an urgent Constitutional remedies for assurance our right of LIBERTY, FATHERLY, JUSTICE, EQUALITY,

DEMOCRACY and speedy relief for the life and rights under the preamble and under the articles of The

Constitution of India.

Â Â AND

(d) to issue writ of Mandamus or a writ in the nature of Mandamus and/or Certiorari and/or Prohibition and/or for appropriate order or orders,

direction or directions or order or direction under Articles 226 and 227 of The Constitution of India.

Â Â Â AND

(e) To make order for immediate police posting to safe guard the petitioners house from any further damages until the accused are arrested and to

provide necessary securities, and other redressive action for the petitioners and their family to protect their life. Quartering of additional police

in the said disturbs area to retain the peace and law and orders. To make the concerning authorities responsible for any untoward situation and harm

to the vulnerable and helpless petitioners' family and in that case please take all effective action.

Â AND

(f) to direct the CBI or other impartial agency to initiate appropriate and expeditious proceedings and register FIR against the erred police

officers of Habra Police Station for the aforesaid highly objectionable and unwarranted inaction and silence on the part of I.C. of Habra Police Station

and for disregard the FIR no.41/14 of 18.1.2014 made by the petitioners. Here the police and government authorities as a creature of law deliberately

try to screen and save the criminals from the hand the law and also connect with abatement, maintaining nexus and conspiracy to attempt murder to

the innocent social workers and the entire family with the said offenders.

Â AND

(g) to further direct the respective authorities to initiate appropriate and effective proceedings against offenders who are freely moving in a society

and continuing threat to the petitioners to murder them should be arrest

immediately and also to cancel their bail bonds for such heinous offence by challenging the whole judicial system and for creating such rare of the rarest case in the history of High Court at Calcutta.

Â Â Â AND

(h) to take all necessary steps against the accused and the corrupted public servant for misleading and challenged the court and injured the honest

citizens. To conduct a investigation in a scientific ways by Video recording, photography, disclosing the video recording of the CCTV in the Habra

Police Station on dated 17.1.2014 and 18.1.2014Â and other days as required, taking help of the others scientific test to established the truth promptly

and to disclose all necessary documents for the fairness and transparency.

Â Â Â Â AND

(i) to direct the lower court here the District & Session Court, Barasat, to act properly and unbiased way and to take all effective and legal measures

to save us and others innocent citizen from the misuse of law, to take every steps to confirm the fairness and transparency in the court, to effects the

order of the higher courts including the Supreme Court of India to retain the Constitutional remedies which was severely violated and disregarded. To

take every step to assured the human rights of the citizen with most effective ways to retain the value of the court so that we can trust the court and

can approach the Court without fear of being torture.

Here police want to make a series of false case against the petitioners but denying the safety and security of the petitioners clearly proves that police

want to create a history case against the petitioners and there family to throttle the voice of the petitioners against the illegal acts and corruption in the

society to fulfill their bad interest and the lower court also failed to take the appropriate action and whereby applying the lynch-law to kill us silently.

Â Â Â AND

(j) to secure our liberty, human rights and dignity please provide the rule to the police to stop the autocratic, misuse of power and prompt and fair

investigation in a scientific manner and not to arrest the citizen mindlessly to do incalculable harm and direct the authorities to strict surveillance with

high end technologies by CCTV, all police stations, custodial centres and in vehicles.Â To restrain the police and lower court not to harass and arrest

the petitioners throughout the entire proceeding.Â Your honest and law abide petitioners were honestly wanted to assist the court to establish the truth and never wanted to be abscond.

Â Â Â Â AND

(k) to make order for immediate free medical treatment and to provide the cost of previous medical treatment to the petitioners and the family.

Â Â Â Â AND

(l) to kindly award interim relief of Rupees five lakhs immediately to incurred losses.Â To award immediate and good compensation and livelihood to

your aggrieved petitioners as the deprived citizens for the continuous negligence, corruption and disparage of the public servants And also to grant

compensation to the victimized and suffering petitioners for the act of criminal expulsion from their property by continuous criminal offence and

misconduct of the inhabitants under the shelter of the police.Â To provide immediate relief with proper accommodation, in a peaceful and protective

area from the end of the state.

Â Â AND

(n) to provide urgent legal aid service to secure the right to justice and to make all necessary arrangements to move our pending PIL before the

Supreme Court.

Â Â AND

(o) for considering the peculiar facts and circumstances of this case, the fabricated and maliciousÂ intentionsÂ ofÂ the complainant against the

petitioners, the haring of the present petition may be kindly expedited.

Â Â Â AND

(p)to secure all the honest and innocent citizens of this state specially the social workers with special attention to the District North 24 Parganas to

secure their life, human rights, property and dignity so that we can secure our Constitution.

Â Â Â Â AND

(q) to order for such further and other relief orders and directives as the nature and circumstances of the case may require or justify or as this

Honourable Court may deem fit and proper in the aforesaid facts and circumstances of the case.

Â AND

(r) to grant the cost of this Petition.

Â AND

Pass such any other orders further order or orders, as Your Lordship may deem fit and proper.

After considering the statements made in the writ application as also the prayers made therein, we are of the opinion that this writ application is filed

for granting relief in favour of the petitioners and other members of their family. But by virtue of an order dated September 16, 2014 passed by the

Honâ??ble Justice Tapan Kumar Dutt, as his Lordship then was, this matter was considered as a â??Public Interest Litigationâ? and the same was

released from the list of His Lordship. Accordingly, the matter has subsequently been assigned before us by the Honâ??ble Acting Chief Justice.

Since we are of the opinion that it is not a Public Interest Litigation, as discussed hereinabove, let this matter be placed before the Honâ??ble Acting

Chief Justice to take a decision in this regard.