
(2018) 04 CAL CK 0091

In the Calcutta High Court

Case No : C.P.A.N. 300 of 2018 in W.P. 4416(W) of 2018

SAIDUL MULLICK

APPELLANT

Vs

SANTANU MITRA

RESPONDENT

Date of Decision : 05-04-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164

Citation : (2018) 04 CAL CK 0091

Hon'ble Judges : SHEKHAR B. SARAF, J

Bench : Single Bench

Judgement

On consent of both the parties this matter is taken up for hearing treating the same as on dayâ??s list.

The petitioner/applicant appears in person and submits that the order dated March 23, 2018 passed by this Court has not been complied with in toto. It

is his submission that several members of his group have still not been able to enter into the Basulichak village. The petitioner/applicant further submits

that the police are acting in collusion with some of the other groups in the said village and preventing them from entering into the village.

Mr. Samar Dey, Sub-Inspector of Police, Arambagh Police Station appears and submits that the allegations made by the petitioner/applicant are false

and without any basis. He submits that all the people who have approached the police authorities on March 23, 2018 were escorted by the police

inside the village. He further submits that the police picket has been formed in Basulichak Primary School and the police authorities are maintaining

law and order in the village. He also submitted a report dated April 4, 2018 issued by Mr. Santanu Mitra, Inspector-in-Charge, Arambagh Police

Station, Hooghly Rural Police District.

The relevant portion of the report is provided below:-

That, on 02.03.18, since the day murder incident occurred, Police picket was introduced in the locality round the clock to maintain peace and

tranquility, Moreover, since 24.03.2018, the day on which the escaped villagers were provided safe entry, a Police camp was set up in the middle of

the village at the premises of Basulichak Primary School, after consulting with superior authority with a view to ensure public safety and further to

prevent any untoward incident and subsequently the Police picket is also continued at Basulichak bazaar area round the clock. In addition of that, to

keep sharp Police surveillance, Morning/Evening/ Night R.T. Mobile officers of P.S. have been covering the area on daily basis from 25.03.18 till date

vide Arambagh P.S. GDE no.1624/1666/1671 dt. 25.03.18; 1685/ 1686/1718 dt.26.03.18; 1748/1749 dt. 27.03.18; 1808/1812/1846/ 1853 dt. 28.03.18;

1881/1882/1926/1933/1940 dt. 29.03.18; 1949/1951 dt. 30.03.18; 1998 dt. 31.03.18; 09/28 dt. 01.04.18; 86/93/3103 dt. 02.04.18; 107 dt. 03.04.18 to

avert any untoward incident.

That, on 28.03.18, one Usman Mallick was arrested after his name was transpired in recorded judicial statement u/s 164 Cr.P.C. of eyewitness Sk.

Gul Mohammed, S/O. Lt. Sk. Aspian of vill.-Basulichak, P.S.-Arambagh, dist.-Hooghly. The statement was recorded on 08.03.18, before Learned

Judicial Magistrate, 3rd Court, Arambagh, Hooghly. All legal formalities were observed by the Investigation Officer while securing arrest of the

accused Usman Mallick.

That, onwards 24.03.18, any report of threatening the petitioner's side or alleged attack upon them, has not been reported at this P.S. till date,

though the subjected area is under sharp Police vigil.

That, the petitioner's allegation regarding his threat perception from Police authority by means of implicating false charges upon him or contempt

of Hon'ble High Court's order is not substantiated, as from the aforesaid fact and occurrences, it is evident that, all the directions received

from his Lordships on 23.03.18 has been complied with utmost sincerity and respect, on coordination with the petitioner. Hence his allegations are

all biased and maliciously brought to defame the Police authority, in spite of all assistance and efforts provided to him and his fellow petitioners.

It is evident from the above report that one Usman Mallick was arrested on

March 28, 2018 on the basis of statement under Section 164 Cr.P.C. of eyewitness Sk. Gul Mohammed. It is also evident from the report that the F.I.R. has been lodged by the police as directed by this Court and photographs attached to the report show that most of the members of the writ petitioner's group have been escorted in their village.

After hearing both parties and after considering the materials on record, the contemnor/respondent Mr. Santanu Mitra is directed to file a comprehensive affidavit with regard to events till date within three weeks from date. He is further directed to include the report filed in the writ petition as well as the report submitted today in the said affidavit. The alleged contemnor is further directed to ensure that the order passed by this Court on March 23, 2018 is complied with in its entirety.

The writ petitioner/applicant is directed to submit a list of the persons who are not being allowed to enter the village and who wish to enter the village immediately to Mr. Samar Dey, Sub-Inspector of Police, Arambagh Police Station, who is present in Court today, in course of today. Copy of the said list should also be handed over in Court in course of this day.

The alleged contemnor is directed to ensure that the people whose names are appearing in the list are escorted in the village with police assistance within three days from date.

At this stage, no further order is being passed. Needless to say that the police authorities shall act in fairness and look into the allegations made by the petitioner.

Let the matter appear after three weeks.