

02.05.2023
Item No.12
Ct. No.1
RP/AN

WPA (P) 594 of 2022

Association for Protection of Democratic Rights (APDR) and Anr.
Vs.
Government of West Bengal & Ors.

Mr. Kaushik Gupta
Ms. Srimoyee Mukherjee
... For Petitioners
Mr. A. Ray, Ld. G.P.
Mr. Debasish Ghosh
Mr. Debraj Sahu
... For the State

1. This writ petition filed as a public interest litigation by an association seeks for registration of a case under the appropriate provisions of Indian Penal Code, 1860 and forthwith handover investigation to the Central Bureau of Investigation. The case pertains to the death of four persons, who were in judicial custody.
2. Learned advocate for the petitioners points out that it could be seen from the postmortem report that at least two of them had severe injuries in their body and this could not have occurred but for certain police excess which could have taken place inside the correctional home. Earlier, the State had directed to file a report and in

pursuance of the direction the Chief Controller of Baruipur Correctional Home had filed a report dated 16th January, 2023 on 17th January, 2023. Thereafter, there appears to have been no progress in the matter though the learned counsel appearing for the State would submit that an enquiry was conducted by the concerned learned Judicial Magistrate, South 24 Parganas to examine as to whether the cause of death was due to unnatural cause. It is almost a year since the incident occurred and till date there has been no appreciable progress in the investigation and wrong doers have not been brought to book. Therefore, prima facie, we are of the view that the State police who are currently investigating into the matter are failed to make required progress. Considering the sensitivity of the matter, we direct the ninth respondent, namely, the Directorate General of Police, West Bengal to immediately transfer all the four cases to C.I.D. and the C.I.D should

take up the matters for investigation and file an action taken report on the next date of hearing. The investigating authority shall call for all relevant reports including the report prepared by the learned Chief Judicial Magistrate, South 24 Parganas.

3. The Directorate General of Police, West Bengal is added as ninth respondent to the writ petition. Liberty is granted to the learned advocate of the petitioners to amend the cause title of the writ petition in course of this day.
4. List the matter on 19th June, 2023.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)