

AD 06.06.2024
SL- Ct.08
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W.P.A. (P) 237 of 2024

Shubhajit Naskar & Anr.

-vs-

Union of India & Ors.

Ms. Susmita Saha Dutta,
Mr. Rajendra Banerjee,
Mr. Gouranga Kumar Das,
Mr. Ajit Mishra,
Mr. Kalyan Kumar Chakraborty,
Mr. Prolay Bhattacharya,
Ms. Tapasi Sinha Palit,
Mr. Ashutosh Pathak,
Mr. Pradyut Saha,
Ms. Tanusree Ghosh,
Ms. Jayita Dhar Chakraborty,
Mr. Niladri Saha,
Ms. Madhurima Basu

.... for the petitioners.

Mr. Anuran Samanta

....for the ECI.

Mr. Kishore Dutta,
Mr. Anirban Ray,
Mr. Rana Mukherjee,
Mr. Swapan Banerjee,
Mr. Vimal Kumar Shahi,
Ms. Neelam Singh,
Mr. Debangsu Dinda,
Mr. Jaladhi Das

....for the State.

Mr. Dhiraj Kumar Trivedi,
Mr. Tirtha Pati Acharyya

....for the UOI.

It is the grievance of the petitioners that immediately after the Lok Sabha General Election, 2024, they have been subjected to post-poll violence because of their association with a specific political party.

The petitioners allege that despite lodging

the complaints before the local police station, no case has been registered. The local police station has either declined or neglected to register an FIR and take further steps.

Instances of post-poll violence are not unprecedented in this State. After the last Bidhan Sabha election, the entire nation witnessed unprecedented post-poll violence within the State.

Taking the matter very seriously, apart from the allegations made in the writ petition, this Court has taken judicial notice of many incidents of violence following or associated with the Lok Sabha General Election, 2024 as reported in press and electronic media.

The primary concern of this Court is to ensure registration of complaints whenever a post-poll violence takes place irrespective of political affiliations.

Before deciding the writ petition finally on merits, as an interim measure to ensure the safety and security of the citizens, we pass the following directions.

In addition to the mechanism provided in the Cr.P.C. for registering the FIR, anyone possessing information or who have witnessed or been subjected to any form of violence in

connection with the Lok Sabha General Election, 2024 will be at liberty to lodge their complaints before the Director General and Inspector General of Police, West Bengal through the following email addresses as provided by the learned Advocate General.

- i) dgpwestbengal@gmail.com
- ii) dgpofficewbconfidential@gmail.com

The complaints received through the aforesaid email addresses shall be immediately placed in the public domain by uploading on the relevant website of the West Bengal Police.

In the event, the complaints disclose any cognizable offence, the Director General and Inspector General of Police, West Bengal shall immediately direct the concerned police station to register an FIR under the relevant provisions of law.

Immediately after registration of such FIRs, the local police station shall take immediate steps against the miscreants in accordance with law.

The Director General and Inspector General of Police, West Bengal, shall monitor the progress of investigation following the FIRs so registered.

The State Police and as well as the Central

Force deployed in the State by the Election Commission of India shall take immediate steps to safeguard the lives and property of the victims, based on the complaints filed through the aforesaid email addresses, if necessary. It is expected that the State Police and Central Force shall cooperate with each other to ensure the safety and security of the citizens.

List the matter after ten days under the same heading. On the returnable date, on behalf of the Director General and Inspector General of Police, West Bengal, an affidavit shall be filed disclosing the complaints received through the email addresses as indicated above and the steps taken by the police following the registration of FIRs. The affidavit should be affirmed by an officer not below the rank of Inspector General of State Police.

We also caution that if the State machinery fail to protect the lives and property of the citizens, appropriate orders will be passed on the next date of hearing.

(Apurba Sinha Ray, J.)

(Kausik Chanda, J.)