

April 8, 2022
Supple. List
Sl. No.1-6
Court No.1
PA(SS)

WPA (P) 130 of 2022

*The Court on its own Motion
In re: The Brutal Incident of Bogtui Village,
Rampurhat, Birbhum*

With

WPA (P) 124 of 2022

*Anindya Sundar Das
vs.
Union of India and others*

With

WPA (P) 125 of 2022
and
CAN 1 of 2022

*Tarunjyoti Tewari
vs.
Union of India and others*

With

WPA (P) 126 of 2022
and
CAN 1 of 2022

*Priti Kar
vs.
The State of West Bengal and others*

With

WPA (P) 129 of 2022

*Sayanti Sengupta
vs.
The State of West Bengal and others*

With

WPA (P) 133 of 2022
and
CAN 1 of 2022

*Priyanka Tibrewal
vs.
Union of India and others*

Mr. Bikash Ranjan Bhattacharyya, Senior Advocate
Mr. Samim Ahammed,
Ms. Gulsanwara Pervin, Advocates

... for the intervenor
in WPA (P) 130 of 2022

Mr. Sabyasachi Chatterjee,
Mr. Sayan Banerjee, Advocates

... for the intervenor
in WPA (P) 130 of 2022

Mr. Phiroze Edulji,
Mr. Rajdeep Biswas,
Mr. Nilendu Bhattacharya,
Mr. A. K. Upadhyay,
Mr. Debapriya Samanta,
Mr. Dipankar Dandapath,
Mr. Idratanu Das Mahapatra,
Mr. Mrinal Das,
Mr. Raja Adhikari,
Mr. Abhijit Roy,
Mr. Sanjeeb Seni,
Ms. Taslima Khatun, Advocates

... for the petitioner
in WPA (P) 124 of 2022

Mr. Kumar Jyoti Tewari,
Mr. Arijit Majumdar,
Mr. Aniruddha Tewari, Advocates

... for the petitioner
in WPA (P) 125 of 2022

Mr. Koustav Bagchi,
Mr. Debayan Ghosh, Advocates

... for the petitioner
in WPA (P) 126 of 2022

Mr. Bikash Ranjan Bhattacharyya, Senior Advocate
Mr. Rabi Shankar Chattopadhyay,
Mr. Uday Shankar Chattopadhyay,
Mr. Jamiruddin Khan, Advocates

... for the petitioner
in WPA (P) 129 of 2022

Ms. Priyanka Tibrewal

... Petitioner in-person
in WPA (P) 133 of 2022

Mr. Y. J. Dastoor, Id. ASG
Ms. Amrita Pandey, Advocates

... for the Union of India
in WPA (P) 124 of 2022

Mr. Y. J. Dastoor, Id. ASG
 Mr. Debasish Tandon, Advocates
 ... for NIA
 in WPA (P) 124 of 2022

Mr. Dhiraj Trivedi, Id. Asst. Solicitor General
 Mr. Shailendra Kumar Mishra,
 Mr. Rishav Kumar Thakur, Advocates
 ... for the respondent/CBI
 in WPA (P) 125 of 2022

Mr. Billwadal Bhattacharyya, Id. Asst. Solicitor General
 Mr. Debu Chowdhury, Advocates
 ... for the CBI
 in WPA (P) 126 & 129 of 2022

Mr. Y. J. Dastoor, Id. ASG
 Mr. Vipul Kundalia, Advocates
 ... for the Union of India

Mr. S. N. Mookherjee, Id. AG
 Mr. Samrat Sen, Id. AAAG
 Mr. Anirban Ray, Id. GP
 Mr. Md. T. M. Siddiqui,
 Mr. D. Ghosh,
 Mr. N. Chatterjee, Advocates
 ... for the State

Learned Counsel for the CBI has filed the progress report disclosing the stage of investigation. Report has been filed in pursuance to the order of this Court dated 25th of March, 2022 whereby this Court had handed over the investigation of the incident of putting on fire 10 houses of the village Bogtui at Birbhum's Rampurhat at the late night on 21st of March, 2022 resulting into death of at least 8 persons.

The report has been produced in the sealed cover which has been opened, perused and taken on record.

Supplementary affidavit in WPA(P) 129 of 2022 as also CAN 1 of 2022 in WPA(P) 125 of 2022, CAN 1 of

2022 in WPA(P) 126 of 2022 and CAN 1 of 2022 in WPA(P) 133 of 2022 have been filed with the prayer to clarify the earlier order of this Court and hand over the investigation in the case of murder of Bhadu Sk to the CBI since the incident of burning of the houses at Bogtui took place as a counter-blast to murder of Bhadu Sk.

It has been submitted by the learned Counsel for the applicants in the CAN and the supplementary affidavit that in order to have complete investigation and to unearth truth behind the incident of burning of 8 persons alive, the investigation in the case of Bhadu Sk murder should also be done by the CBI as both the incidents are interconnected and the investigating agency in Bhadu Sk murder case is trying to cover up the issue which will affect the investigation by CBI.

Learned Counsel for the CBI has submitted that CBI has no objection in conducting the investigation in Bhadu Sk murder case but this prayer should have been made earlier. He has submitted that it is better if the investigation is done in both the cases by the same agency as both are interlinked and that will also facilitate trial of the cases before the same Judge.

Learned Advocate General has submitted that except in WPA(P) 126 of 2022 there is no prayer in other petitions for conducting the investigation in the case of murder of Bhadu Sk by the CBI and that there is no allegation that the investigation in the case of murder of

Bhadu Sk is not being done properly. He has disclosed that Rampurhat PS Case No. 168 of 22 has been registered in respect of incident of Bhadu Sk murder.

We have heard the learned Counsel for the parties and perused the record.

The Report submitted by the CBI before this Court today prima facie suggests that brutal incident of burning and killing at Bogtui village is the direct fall out of killing of Bhadu Sk son of Marfat Sk of village Bogtui at 8.30 P.M. on the same day. It also suggests that the incident is outcome of the rivalry amongst the members of two groups in the village and that burning of the houses resulting into death of 8 persons was retaliatory plan.

In the applications filed before this Court as also in the supplementary affidavit filed in WPA(P) 129 of 2022 it has been alleged that the unfortunate incident of setting 10 houses on fire is not an isolation and independent incident rather it is a counter-blast of murder of Bhadu Sk who was the Upa-Pradhan allegedly belonging to the ruling party in the State.

Both the incidents took place within a gap of about 2 hours. Material placed on record prima facie suggests close relationship and linkage between the two incidents. The incidents are alleged to be result of political rivalry. The allegation of the applicants that both incidents form part of the common conspiracy and continuous cause of action cannot be ignored.

It is also worth noting if one agency investigates both the incidents then not only it will be easier to unearth the truth but it will also facilitate trial before the same competent Court.

The object of issuing the necessary direction in the suo motu petition is to ensure appropriate action against the person responsible for the incident. On the basis of the material which is available before us, we are of the opinion that the said object can be more appropriately achieved if the incident of murder of Bhadu Sk is also investigated by the CBI along with the incident of burning of houses and murder of villagers of Bogtui which took place shortly thereafter. The second incident prima facie seems to be the fall out of first incident.

Hence, we allow the prayer made in CAN 1 of 2022 in WPA(P) 125 of 2022, CAN 1 of 2022 in WPA(P) 126 of 2022 and CAN 1 of 2022 in WPA(P) 133 of 2022 and direct the investigating agency to immediately hand over the investigation in the case of murder of Bhadu Sk being Rampurhat PS Case No. 168 of 22 to the CBI along with all the record of investigation which is conducted till now as also the accused which have been arrested.

The CBI is directed to investigate the murder case of Bhadu Sk along with the investigation in the case of Bogtui house burning and murder case.

CBI is directed to file further report of investigation in both the cases on the next date of hearing.

List on 02nd of May, 2022.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]