

May 6, 2022
Supplementary list 1.
Court No.1
SG

WPA(P) 209 of 2022

Smt. Amrita Pandey
vs.
The Union of India and others

Mr. Subir Sanyal,
Mr. Kallol Mandal,
Ms. Chandreyi Alam,
Mr. Lokenath Chatterjee,
Ms. Priyanka Tibrewal,
Mr. Sukanta Ghosh,
Mr. Sailendra Kumar Misra,
Mr. Susil Kumar Misra,
Mr. Ayan Paul,
Ms. Anamika Pandey,
Ms. Tiyasa Biswas,
Ms. Ranjana Chatterjee,
Mr. Subhajit Das,
Mr. Vikash Singh, Advocates

... for the Petitioner

Mr. Billwadal Bhattacharyya, Id ASG
Mr. Arijit Mojumder, Advocate

... for the Union of India

Mr. Amitesh Banerjee,
Mr. Nilotpal Chatterjee,
Ms. Ipsita Banerjee, Advocates

... for the State

Mr. Dhiraj Trivedi, Id ASG

...for CBI

On mentioning this matter has been listed and taken up.

The allegation in the petition is that one Arjun Chaurasia, Vice President of Yuva Morcha of Kashipur, Belgachua Mondal-I of Bharatiya Janata Party was found hanging in a manner that his legs were touching the floor. It is alleged that it is a case of murder whereas the police authorities are trying to project it to be a case of suicide. It is also alleged that the incident took place at the instance of the hooligans associated with the rival party. Further allegation is that the police authorities are

pressurising the family members of the deceased to perform the post-mortem and trying to establish the case as a suicide instead of homicide. It has also been alleged that the body of the deceased was dragged by the police and the family members of the deceased were beaten up by lathi charge. There is also an allegation that the police atrocities have been done at the instance of one of the MLA of the ruling party in the State.

These allegations have been disputed by Sri Amitesh Banerjee, learned senior counsel appearing for the State.

Submission of the learned counsel for the petitioner is that the deceased is a victim of post-poll violence and under the orders of this Court he had returned to his house and thereafter the incident had taken place. It has also been submitted that the deceased was missing since yesterday evening and his phone was ringing but it was not responding and this complaint was made to the police but no attempt was made to trace out the deceased and subsequently his body was found hanging in a room of a Railway Quarter.

A serious apprehension has been expressed by learned counsel for the petitioner that in the aforesaid factual background there is every possibility that the post-mortem may not be done in the proper manner and attempt may be made to destroy the evidence.

Learned counsel for the petitioner has also drawn the attention of this Court to the order of the Full Bench of this Court dated 19.08.2021 passed in WPA(P) 142 of

2021 and WPA(P) 144 of 2021 wherein in respect of the murder of one Abhijit Sarkar, Vice President of Bharatiya Mazdoor Trade Union Council in District Kolkata, a direction was issued for second autopsy from a team of doctors constituted by the Head of Command Hospital, Kolkata, therefore, similar direction has been sought in the present matter.

Learned counsel for the State has informed that the body of the deceased has been kept in the R.G. Kar Medical College and Hospital and post-mortem can be performed by the expert team headed by the Department of Forensic Science of that Hospital and videography of the post-mortem can be done.

Having regard to the circumstances which have been disclosed before us, we are of the opinion that the post-mortem of the body of deceased Arjun Chaurasia should be done at the Command Hospital which is stated to be only 5-6 kilometers away from R.G. Kar Medical College and Hospital. Hence, we direct accordingly.

The Head of the Command Hospital will constitute a team of experts for the purpose of the said post-mortem and at the time of post-mortem, expert from AIIMS, Kalyani as also the Head of the Department of Forensic Science, R.G. Kar Medical College and Hospital can remain present. The CJM, South 24-Parganas will also remain present at the time of the post-mortem. The videography of the post-mortem will be done.

The Commissioner of Police, Kolkata will ensure that the body of the deceased is shifted from R.G. Kar Medical College and Hospital to the Command Hospital safely. Let the post-mortem be done as expeditiously as possible.

The Commissioner of Police, Kolkata is also directed to ensure that proper police protection is provided to the family members of the deceased.

The Registry is directed to immediately communicate this order to all the concerned individuals.

List on 10th May, 2022.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]