

13.03.2023

Sl. No. 33

Srimanta

Ct.No. 42

CRR/323/2023

In the matter of : **Sukanta Majumdar**

Mr. Krishnendu Bhattacharya,
Mr. Lokenath Chatterjee,
Mr. Priyankar Ganguly

...for the petitioner.

On 6th January, 2023, one Tirtha Ghosh lodged a written complaint with the Officer-in-Charge, Beliaghata Police Station stating, inter alia, that on 30th November, 2022 first Vande Bharat Express Train was inaugurated in the State of West Bengal by the Prime Minister of India. On 2nd January, 2023 and on 3rd January, 2023 various news houses in their Twitter handle made certain posts over the incidents of stone pelting and breaking and smashing portion of window pane of Vande Bharat Express on 2nd January, 2023 and 3rd January, 2023. According to the complainant, the said Twitter posts were in the nature to cause incitement and agitation in the minds of a particular community. The said Twitter posts were made in such a manner to damage law and order situation of the State and to destroy the personal image of the Chief Minister of the State.

The Twitter posts are quoted below:-

“Indrajit

Stone pelting reported at newly launched #Vande Bharat express in # Bengal’s # Malda district on Monday eve. Glass door on coach C13 got cracked. No one injured. # BJP’s # Suvendu Adhikari asks if it’s a revenge for ‘Jai Shree Ram’ chants on the day PM # Modi inaugurated the train!”

“Indrajit

Yet another incident of stone pelting reported on # Vande Bharat Express in #Bengal today. This is the second consecutive day. Incident apparently took place near New Jalpaiguri when the train was arriving at the NJP yard.

Yesterday similar incident was reported from Malda"

"Indrajit

Miscreants indulging in such acts must be booked asap! What kind of crazy weirdo does this? Out to tarnish the image of #Bengal"

"Indrajit

Window pane on C-3 and C-6 coaches of the Howrah-New Jalpaiguri # Vande Bharat Express smashed. Images taken after it arrived at the # Howrah station just a short while back

Second consecutive day when such a incident has been reported in # Bengal"

"India Today

For the second time in two days, stones were thrown at the Howrah-New Jalpaiguri (NJP) Vande Bharat Express on Tuesday. The incident took place when the train was arriving at the NJP yard"

"Indrajit

Railways release first CCTV images of stone pelters on # Howrah-NJP # Vande Bharat Express

@Eastern Railway working closely with # Bengal Police to help apprehend the culprits"

"Indrajit

Eastern Rail clarifies that this footage was caught when the train was passing through Kishanganj in # Bihar.

This is the footage of the 2nd stone pelting incident on #Howrah-NJP # Vande Bharat Express"

"Indrajit

It has not happened in # Bengal, it happened in # Bihar. I condemn this attempt to defame # Bengal. What is # Vande Bharat ? It is an old train refurbished into new except for the engine: CM @ Mamata Official on stone pelting incident on # Vande Bharat Express”

At the outset, this Court does not find prima facie ingredients of offence for which the petitioners were booked.

Amongst the Twitter posts, Twitter post at page 41 was actually a post in the Twitter handle of CM at the rate of Mamata official. If the previous Twitters made by petitioner no. 2 attracts penal provision this Court wants to know as to whether the post made in the Twitter handle of the Chief Minister of the West Bengal also consists of prima facie ingredient of promoting enmity between different groups on the grounds of religious, race, place of birth, residence, language etc. and doing acts prejudicial to the maintenance of harmony as contemplated in Section 153A of the Indian Penal Code. In the instant case, it is between the residents of Bengal and Bihar.

If that be so, such post is also liable to be looked into as an offence.

On this issue, this Court likes to hear the learned Advocate General of the State.

For the reasons stated above, the instant revision is admitted. Petitioner is directed to serve notice upon the private opposite party under registered speed post with acknowledgement due and file affidavit-of-service within three weeks from the date of this order. The State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

In the meantime, further proceeding in connection with the GR No. 72 of 2023 arising out of Beliaghata Police Station

Case No. 8 dated 06.01.2023 be stayed for a period of six weeks.

(Bibek Chaudhuri, J.)