

## News

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**15 FIRs against Suwendu Adhikari of the BJP are dismissed by the Calcutta High Court.**



*In effect, Adhikari received relief from the Court regarding the several criminal cases that were brought against him.*

On October 24, the Calcutta High Court dismissed fifteen First Information Reports (FIRs) against Suwendhu Adhikari, the Leader of the Opposition and leader of the ***Bharatiya Janata Party (BJP)***, that the West Bengal police had filed between 2021 and 2022 [***Suwendu Adhikari v. State of West Bengal &Ors.***].

Additionally, Justice Jay Sengupta overturned previous interim decisions in the case, such as

one that prohibited the State from bringing any additional FIRs against Adhikari without the court's consent.

By granting Adhikari's two requests to have the numerous criminal proceedings against him dismissed, the Court has effectively awarded him relief in relation to those cases.

However, since a final decision has been rendered on Adhikari's two petitions, the interim order issued by Justice Rajashekhar Mantha in December 2022 that previously prohibited the State from bringing any additional FIRs against Adhikari has been withdrawn.

Adhikari's claim that the criminal cases against him were a ruse to exact revenge after he defected from the ruling Trinamool Congress party (TMC) to the BJP in 2020 was also briefly discussed by Justice Sengupta.

***The Court pondered whether Adhikari had been wrongly accused of switching his political allegiance to the BJP or whether the TMC had purposefully overlooked past offenses while he was still a member.***

"It would be difficult to determine if the petitioner is a repeat offender and unreformable if so many complaints might be brought against the current petitioner (Adhikari) following a change of political affiliation. But before to his change of allegiance, the State did not bring any criminal charges against him. As a result, it will be up for debate whether the State police had been purposefully disregarding any past offenses or whether the petitioner had been wrongfully accused in these cases due to changing political allegiance, the verdict stated.

***Prior to his change of allegiance, the state did not bring any criminal charges. It's unclear if State police purposefully disregarded any prior offenses or if Adhikari was wrongfully accused of changing political allegiance.***

High Court of Calcutta

***Adhikari's applications asked for orders to revoke sixteen FIRs.***

In fifteen of the sixteen FIRs, the court determined that, even based on a preliminary review of the case diary, either Adhikari was not specifically accused of any crimes or the purported offenses were not proven.

***The Court observed that Adhikari had not yet been named as an accused in the final FIR, which contained claims that some individuals conspired to collect money in***

### ***Adhikari's name as part of a fictitious employment scheme.***

Justice Sengupta came to the conclusion that there was no need to particularly suppress any FIR against Adhikari in this case.

In four of the court's cases, there were several defendants. Consequently, such FIRs are still ongoing for the other defendants even if they have been overturned for Adhikari.

In order to complete the investigation into the remaining accused, the court has now mandated the formation of a special investigation team (SIT) comprising members from the State Police and the Central Bureau of Investigation (CBI).

The State said in several of the FIRs that it was not pressing for the criminal procedures to continue, which the Court also noted.

### ***The Court described this development as odd.***

It is extremely odd that the State, which is the ultimate guardian of its citizens' rights, could act so casually in refusing to pursue or seriously oppose the prayer for quashing in up to eight criminal proceedings (three of which were formally challenged, the others were only mentioned during hearings). A criminal case is a very serious matter. Justice Sengupta stated, "If this was the State's position, they could have very well ended the proceedings themselves sooner."

### ***The fifteen FIRs were dismissed.***

As far as Adhikari is concerned, the fifteen FIRs that have been quashed are:

1. A formal complaint was filed at the Nandigram Police Station about claims that BJP employees assaulted Adhikari following a fight between the BJP and TMC during a rally.
2. A formal complaint was filed at Tamluk Police Station, accusing Adhikari of threatening the Superintendent of Police, Purba Medinipur, and making a remark that offended religious feelings. "Urging to protect one's own belief or caste or clan has not been made illegal in our laws," the court said before dismissing this FIR.

3. The widow of a security guard assigned to Adhikari filed a formal complaint at the Contai Police Station, alleging that her husband's murder was the result of foul play. According to the accusations, there was a delay in scheduling an ambulance so the guard could be taken to a better hospital than the one where he was taken to treat a head wound from a bullet. The Court questioned the addition of murder charges in this case. "The most extreme option, if any, would have been to file a formal complaint alleging negligence-related death. Justice Sengupta said, "One wonders how a FIR under Section 302 of the IPC could be registered over such allegations."

**4. The Kulti Police Station filed a formal complaint alleging that BJP employees had organized an unruly gathering during their election campaign.**

5. A formal complaint was filed at the Contai Police Station, alleging that Adhikari and other BJP employees had damaged a TMC office, attacked TMC employees, and insulted a TMC employee's dignity.

6. A formal complaint alleging that Adhikari made statements that were culturally offensive was filed at the Nandigram Police Station. "A variety of concerns have been taken up by political parties and people. They might even hold certain opinions regarding caste, religion, and similar topics. Before dismissing this FIR, the Court noted that simply calling for the unification of one's own group or voicing opposition to alleged discrimination against it does not always lead to the danger of inciting hatred against other groups.

7. Three formal complaints alleging that Adhikari threatened voters were filed at the Contai Police Station. The Court discovered that three distinct individuals filed three complaints with identical statements within minutes of one another. The Court began to question whether these were true complaints as a result. "The three proceedings appear to be tainted with a stench of malice," the Supreme Court said.

**8. A formal complaint regarding an unauthorized political rally was filed at the Durgachak Police Station.**

9. A formal complaint was filed at the Amherst Police Station about claims that a counterfeit and fraudulent photo was shared on Twitter in an attempt to discredit the TMC. The State stated that it did not want to pursue the case in addition to the Court's conclusion that it could not stand.

10. A formal complaint was filed at the Nandakumar Police Station, alleging that Adhikari had made remarks that incited a breach of peace, including a threat to Hinduism. As the Court quashed this case, it concluded that "stating certain facts, including as regards earlier disturbances and urging one's own caste or community to consolidate, does not necessarily attract Section 153A."

11. The Jadavpur Police Station filed a formal complaint against Adhikari for allegedly threatening to attack TMC employees. The Court discovered differences between the injuries noted in the evidence and the accusations of assault. Additionally, the State chose not to pursue this matter.

12. A formal complaint was filed at the Nandigram Police Station about claims of assault against Bhumi Uchhed Pratirodh Committee (BUPC) employees.

13. A formal complaint was filed at the Pandaveswar Police Station alleging that someone attempted to sway an election by calling up a local MLA at Adhikari's request. Adhikari "cannot be made vicariously liable for any act of the other accused," the court ruled.

**Adhikari was represented by Senior Advocate Billwadal Bhattacharyya and attorneys Moyukh Mukherjee, Aishwarya Bazaz, and Sagnika Banerjee.**

The State was represented by Advocate General Kishor Dutta, Senior Advocate Kalyan Bandopadhyay, and Advocates Debangsu Dinda, Amrita Panja Moulick, and Rudradipta Nandy.

Advocates Arun Kumar (Mohanty), Sukanta Chakraborty, and Oisani Mukherjee, together with Deputy Solicitor General Dhiraj Trivedi, represented the CBI.

Advocates Ayan Poddar, Syed Kishwar, and Senior Advocate Sabyasachi Banerjee represented the complainant who lodged the formal complaint regarding the death of the former security guard in Adhikari.

**Advocates Agnish Basu and Vipul Vedant represented the complainants in a SC/ST lawsuit that is still ongoing because Adhikari did not formally contest it.**