

Ct. 06
Item Nos.04
31.12.2020
(suvendu)
Vacation Bench

WPA 11660 OF 2020

Aftab Ansari
Vs.
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Bhaskar Prosad Banerjee	
Mr. Parashar Baidya	
Ms. Shalini Ghosh	for the petitioner
Mr. Pantu Deb Roy	
Mr. Anand Farmania	for the State

This is an application, inter alia, praying that the investigation of the case be done through video conference so far as the examination of the defacto complainant and his father/victim are concerned.

Report filed on behalf of the State and the affidavit of service filed on behalf of the petitioner are taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the defacto complainant of the case and the son of the victim who had been abducted by some unknown accused. After the incident happened on 17th February, 2020, the petitioner lodged an FIR on 18th

February, 2020. On 19th February, 2020 the relatives of the victim paid a part of the ransom demanded by the accused and had the victim released. Subsequently, the defacto complainant and the other witnesses received several threat calls from the accused. In fear, they left for their native place in Bihar. In the meantime, the Investigating Officer of the case has been calling up the defacto complainant and his father/victim and asking them to join the investigation, failing which they shall have to face serious consequences. In the interest of justice, the interrogation of the defacto complainant and the victim may be done through video conference, as far as possible. However, in case the victim and the defacto complainant are required to attend a test identification parade or the like, they shall make themselves available upon due notice and provided adequate protection is given to them.

Learned counsel appearing on behalf of the State relies on the report filed by the Investigating Officer and submits as follows. During investigation, the Investigating Officer collected evidence, arrested two persons, made seizure under Section 27 of the Evidence Act. However, when the Investigating Officer tried to contact with the defacto complainant and the victim for their further assistance, the same

was denied. At this stage, it is submitted that further recording of the statements of the defacto complainant and the victim may be done through video conference. If victim is required to attend TI parade, the Investigating Officer shall make adequate arrangements taking into consideration the safety and security of the victim and the defacto complainant so that such exercise can be properly concluded.

I have heard the submissions of the learned counsels appearing for the parties and have perused the writ application.

It appears that some evidence have been collected during investigation and it would be fair on the part of the Investigating Officer to require further assistance of the victim and the defacto complainant.

However, considering the facts of the present case and the threat calls given to the victim, it will be fit and proper to undertake such exercise by video conferencing and/or exchange of e-mails, so far as practicable.

In the event the victim is required to attend a TI parade or the like, the Investigating Officer shall make necessary arrangements for the same by taking due care about the safety and security of the victim

and the petitioner and upon due notice to them and the victim and the defacto complainant/petitioner shall cooperate with the Investigating Officer in this regard.

With these observations, the writ application is disposed of.

Urgent certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Jay Sengupta, J.)