

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

(Through Video Conference)

WPA 8040 of 2020

Kalidas Roy

Vs.

The State of West Bengal & Ors.

Mr. Tanmay Chowdhury

... For the petitioner

Mr. N.C. Bihani

Ms. Papiya Banerjee Bihani

... For the State

Mr. Gazi Faruque Hossain

Mr. Debangana Bhattacharjee

Ms. Swarnali Saha

Ms. Priyanka Mondal

... For the respondents no.9 & 10

Affidavit of service filed in Court today is taken on record.

The petitioner approached this Court for installation of Close Circuit Television with necessary cameras (in short "CCTV cameras") at his residential premises at Subuddhipur, Arup Bhadra Sarani, Ward No.2, Post Office and Police Station – Baruipur, District – South 24-Parganas (hereinafter referred to as the "said premises") by filing a writ petition, being WP 19088 (W) of 2018. By an order dated 17th July, 2019, the petitioner was allowed to instal CCTV cameras at the common passage of the said premises. The police authorities were directed to ensure that no breach of peace to take place at the locale on the installation of such cameras. Subsequently, with the police

assistance, CCTV cameras were installed in the common passage of the said premises. The petitioner says that some of the cameras after being installed have been intentionally damaged by the respondents no.9 and 10 (private respondents). Despite specific complaint being lodged as against the said private respondents, the police authorities, according to the petitioner, have taken no steps. The petitioner has, therefor, filed the instant writ petition alleging police inaction.

On behalf of the State, a report in the form of an instruction received by State advocate from the Inspector-in-Charge, Baruipur Police Station, is made over to Court with a copy to the writ petitioner. The same is taken on record.

On a perusal of the said report/instruction dated 6th October, 2020, it appears that pursuant to the petitioner's complaint dated 22nd May, 2020, a case, being Baruipur PS Case No.1031 dated 22nd May, 2020, was registered against the respondents no.9 and 10 under Sections 427/379 of the Indian Penal Code, 1860 (in short "IPC"). Investigation was initiated by Baruipur Police Station and the investigating officer, namely, Sub-Inspector Malay Das of Baruipur Police Station visited the place of occurrence, examined the available witnesses and recorded their statements under Section 161 of the Code of Criminal Procedure, 1973 (in short "Cr.PC"). Notice under Section 41A of the Cr.PC was issued upon the respondents no.9

and 10, being the FIR-named persons. On instruction, it is submitted by advocate representing the State that charge sheet has been filed after completion of the investigation on 30th December, 2020.

Considering these facts, it is apparent that there is no police inaction in the matter. The writ petition is disposed of by directing the police authorities to ensure that there is no occurrence of any breach of peace in the event the petitioner intends to replace the existing CCTV cameras at the said premises installed pursuant to the order dated 17th July, 2019 or those which have been damaged in the meantime.

The petitioner shall, in writing, well in advance, inform Baruipur Police Station about his intention to carry the work of repair or replacement of the existing CCTV cameras by indicating the date and tentative time.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)