

10.04.2023
Court No.13
Item No.23
pk

WPA 7977 of 2023

**Shubham Periwai
Vs.
State of West Bengal and Ors.**

Mr. Samrat Goswami,
Ms. Supriti Sarkhel

... For the petitioner.

Mr. Chaitali Bhattacharya,
Mr. Manas Kumar Sadhu

... For the State.

The petitioner is aggrieved with the investigation into FIR No. 341 of 2022 dated 11.11.2022 under Sections 328/376D of the IPC.

Counsel for the petitioner submits that CCTV footage of the place of occurrence at mid night and materials available on the petitioner's phone have not been seized by the I. O. There are other issues raised against the investigation.

Learned counsel for the State submits that Charge Sheet No. 395 of 2022 dated 23.12.2022 has already been filed in the matter, inter alia, against the petitioner. An application filed by the petitioner under Section 207 of the Cr. P.C. read with Section 91 of the Cr. P.C. has been rejected by the ACJM concerned on 17.03.2023.

This Court is of the view that the petitioner has remedies against the charge sheet, inter alia, under Section 173(8) of the Cr. P. C. and may avail the same.

In that view of the matter, no interference is called for under Article 226 of the Constitution of India.

Counsel for the petitioner seeks an order on the I. O. to preserve the CCTV footage, referred to herein above.

Learned counsel for the State submits that such footage has already been preserved.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)