

06.12.2023
Serial no. 1
[G.S.D]

CRR 4235 of 2023

In the matter of : Shukdeb Halder

Mr. A. Chakraborty

... .. Petitioner

... for the Petitioner

Ms. Debjani Sahu

... for the State

The report submitted by the Inspector in charge of Eco Park p.s. be kept with the record.

The revisional application was preferred primarily for the purpose of allowing the petitioner to use the cable which was seized in connection with ECO Park P.S. Case No. 146 of 2022 dated 24.6.2022.

Pursuant to the earlier order, samples have been seized in presence of the Divisional Engineer, Bidhannagar-II Division. The said samples would operate as materials which were part and parcel of subject-matter of the complaint in respect of the case under section 379 of the IPC.

The petitioner would be at liberty to use the rest of the materials particularly the cable which has been seized and is to be used for the purposes of WBSEDCL.

So far as the seized samples are concerned and the video process which has been done, the same may be kept

with the investigating officer of the case and be produced before the Id. jurisdictional court at the appropriate stage.

It is also directed that, if required, a copy in a pen drive may be prepared by sending the video footage to the experts and the same may be certified under section 65B of the Evidence Act, so that it can be used in course of e trial of the case.

In view of the aforesaid, the order dated 27th September, 2023 passed by the Id. CJM, Barasat, is hereby quashed.

However, the petitioner would be at liberty to use the seized item i.e. cable for the purposes of WBSEDCL in course business.

With the aforesaid observations, CRR 4235 of 2023 is allowed.

Pending application, if any, is also disposed of.

The investigating officer of the case is present in court. His further appearance before this court is dispensed with.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)