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13.06.2023
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 1083 of 2023

Krishnayan Dasgupta
-versus
State of West Bengal & ors.

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Mr. Gopal Roy
...for the petitioner
Mr. Bikramaditya Ghosh
Mr. Pretom Das
...for the State

Supplementary affidavit filed on behalf of the petitioner is taken on record.

Perused the case diary as produced on behalf of the State.

The Investigating Officer is present in Court.

Learned counsel appearing on behalf of the petitioner submits as follows. Supplementary affidavit contains the names of witnesses who would like to depose in the case. In fact, one of the witnesses namely Saheb Das who had taken some relevant photographs confided in the petitioner that last night the Investigating Officer had called him to go to the police station at the fag end of night. He was afraid and unable to comply. The petitioner would like to rely on an audio

recording of a conversion of an earlier date in respect of the said witness.

Learned counsel appearing on behalf of the State, on the contrary, submits that the said Saheb Das had given in writing that he was not willing to give any evidence in this case. In the meantime, the Investigating Agency had prayed for issuance of warrant of arrest, proclamation and attachment against the petitioner.

Whether any undue influence or fear of any kind is at work on the witnesses is not quite clear.

However, to allay all fears and ensure fairness in investigation, let all further examination of witnesses and other steps to be taken by the Investigating Agency be videographed.

Let the further investigation of the case be done by the I.C., Kotwali Police Station under the supervision of the Superintendent of Police at Jalpaiguri.

With these observations, the writ petition is disposed of.

The presence of the Investigating Agency is noted and is dispensed with.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)