

22.08.2024
rc/ct.no.34
Item No.283

CRR No. 245 of 2024

In the matter of : Md. Ezaz Afzal & Anr.

.....Petitioners

Mr. Francis Samson Correa
Mr. Sunny Nandy
Mr. Subha Pathak
Ms. Sneha Singh
Ms. Puja Kumari

...for the Petitioners

Mr. Subrato Roy

...for the State

No report, as called for, is submitted by the State.

Heard learned counsel for the parties.

The petitioners who are the accused in T.R.Case No. 42 of 2023 pending before the learned Additional District and Sessions Judge, 3rd Court (Judge, Special Court under NDPS Act), Howrah prayed for production of CCTV footage of the place of occurrence, Sankrail Police Station and shop of the 3rd accused between December 09, 2023 and December 10, 2023 before the learned Trial Court.

In turning down the prayer of the petitioners by the order impugned, the learned Trial Court held that allowing the prayer would tantamount to interference in the investigation.

This Court is informed that investigation has culminated in submission of charge sheet.

Learned counsel for the petitioners submits that the CCTV footages, as called for, are not part of the charge sheet.

Learned counsel for the State raises no objection to the contention of the petitioners.

In view of the above, this Court is inclined to hold that since investigation is complete, the prayer of the petitioners may be acceded to.

The order impugned dated December 20, 2023 passed by the learned Judge, Special Court under NDPS Act, Howrah in T.R.Case No. 42 of 2023 in so far as the prayer of the petitioners for production of the CCTV footages was turned down is set aside/quashed.

The prosecution is directed to produce the CCTV footages as prayed for by the petitioners except the footage of Sankrail Police Station on the next date of hearing fixed before the learned Trial Court. However, the CCTV footage of the area outside the police station may be produced.

The revisional application being CRR No. 245 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh,J)