

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 29.04.2024
DELIVERED ON: 29.04.2024

CORAM:
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA
M.A.T. 229 of 2024
With
I.A. No. CAN 1 of 2024
Biswanath Gupta
Versus
The State of West Bengal & Ors.

Appearance:-

Mr. Uday Shankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Aishwarya Datta

.....for the Appellant

Mr. Amitesh Banerjee, Ld. Sr. Standing Counsel
Mr. Tarak Karan

.....for the State

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the writ petitioner is directed against the order dated 10th January, 2024 in W.P.A. 26544 of 2023. The appellant had filed the writ petition seeking for a direction upon the respondent no.3 to start an enquiry against the respondent no.5, who is the Inspector-in-Charge, Burdwan Police Station, who has been impleaded by name viz. Sukhamoy Chakraborty.

2. The other relief sought for by the writ petitioner is to produce the CCTV footage of Burdwan Police Station from 12 p.m. to 9 p.m. on 7th November, 2023 and for a direction particularly, the respondent no.4/Inspector-in-Charge, Burdwan Police Station not to disturb the appellant and his family members.
3. The appellant had also prayed for payment of compensation of Rs.10,00,000/- for the mental agony caused to him.
4. The case of the appellant before the learned writ court is that he is a reputed businessman, however, the police authorities at the behest of the respondent no.5/Sukhamoy Chakraborty was acting as a recovery agent and was threatening and compelling the appellant to pay a sum of Rs.30,00,000/- to certain people and he was forcibly picked up from his residence and illegally detained in the police station.
5. Further, it is the case of the appellant that if the CCTV footage is viewed, this can be established. When the matter came up before the learned writ court, the submission made on behalf of the police was that the CCTV footage is not available, since there were some repairs in the equipment. The other allegations have been denied. It is rather surprising as to how a CCTV recording was not functioning in the police station, this is a very serious issue. According to the submissions of the learned advocate for the State, the matter was brought to the notice of the higher officials and the officials of F.S.L. also inspected the CCTV equipment, but could not retrieve the footage.
6. In any event, this type of incident should not occur and there should be always a backup facility. If more than one camera is installed in the

premises, this issue may not arise or if periodic maintenance is done, this should have been avoided.

7. The learned advocate for the State further submitted that since a G.D. entry was made by a third party, the appellant was taken into the police station from another place and not from the residence. In any event, the police authorities cannot function or act as recovery agents for recovery of money. This is beyond their jurisdiction, even though the allegations made by the appellant may be incorrect, the police authorities should bear in mind that they are law enforcing agency and they cannot act as recovery agent of any loan or money handed over by any third parties. In any event, the learned Single Bench found that the appellant had not lodged any complaint.
8. In the light of above, this appeal along with the connected application (I.A. No. CAN 1 of 2024) stand disposed of by directing the Superintendent of Police, Purba Burdwan/respondent no.3 to conduct a sensitization meeting in which all the police force in his command should be directed to attend and a clear message should be given to all the police force to ensure that such allegations do not crop up in future.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)

Pallab/KS AR(Ct.)