

25.01.2024
Item No.124
Ct. No.34
dc.

W.P.A. 11830 of 2023

Ramesh Chandra Agarwal
versus
The State of West Bengal & Ors.

Mr. Siddhartha Lahiri,
Mr. Debraj Dutta ... For the Petitioner.

Mr. Asish Kumar Guha,
Mr. Benazir Ahmed ... For the State-Respondents.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

In view of the similar order passed, as is reflected from the said report, in WPA 28831 of 2022, the directions so passed thereto, by the co-ordinate Bench, are as follows :

“The petitioner seeks a direction upon the Commissioner of Police to direct the mobile service provider of his mobile No. 9830032724 to provide the data record and tower locations of the aforementioned mobile number, for the entire day on 18th June, 2022 and secure the camera recordings and/or CCTV footage for the entire stretch from Alipore Police Court to Hazra crossing upto Kalighat Fire Station for the same date.

He further seeks a direction upon the Commissioner to certify the said evidence to enable him to produce the same in civil and criminal proceedings against him.

The court is of the view that the petitioner has efficacious alternative remedy in both the civil and criminal proceedings, where the concerned court can pass directions in that regard.

However, this court is inclined to direct the Commissioner of Police, Kolkata to preserve the CCTV

and other recordings as indicated hereinabove and also communicate the same appropriately with the mobile service provider in question and direct preservation of such records with them.

In the event such records are to be submitted before the court where the proceedings against the petitioner are pending, the Commissioner shall ensure such production in accordance.”

The State-respondents will abide by the aforesaid directions.

WPA No.11830 of 2023 stands disposed of.

All efforts be taken by the police authorities to expeditiously collect the materials so far as the CDR relating to mobile number 9830032724 is concerned.

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

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

(Tirthankar Ghosh, J.)