

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

The Hon'ble Mr. Justice Jay Sengupta

WPA 22664 of 2023

Sk. Pappu

Vs.

The State of West Bengal & Ors.

For the Petitioner	:	Mr. Jayanta Narayan Chatterjee, Mr. Supreem Naskar, Ms. Jayashree Patra.
For the State	:	Mr. Rudradipta Nandy, Id.APP, Mr. Suman Sengupta Id. Sr. Govt. Adv., Mr. Sanatan Panja.
For the Respondent No.6.	:	Mr. Sabyasachi Banerjee, Mr. Shoureek Ray, Mr. Niket Ojha.
For the Respondent Nos.7 to 9.	:	Mr. Pratim Priya Dasgupta, Mr. Shoureek Ray, Mr. Niket Ojha.
Heard on	:	29.01.2024
Judgement on	:	29.01.2024

Jay Sengupta, J. :

This is an application for transfer of investigation.

On 19.09.2023, this Court passed certain directions regarding conducting of investigation including that the same be done under the direct supervision of the Commissioner of Police.

Perused the report/memo of investigation filed by the State including a copy of the examination report of the CCTV footages. The same are kept in a sealed cover with the records.

Learned counsel appearing on behalf of the petitioner submits that an impartial person like an advocate should be appointed to go through the CCTV footage as the petitioner does not have trust in Kolkata Police. His client believes that this is a case of murder and should at least be investigated by the CID.

Learned counsel appearing on behalf of the State submits that the investigation is now being done by the Homicide Section of the Kolkata Police and is being supervised by the Commissioner of Police personally. Statements of numerous witnesses have been recorded, either under Sections 161 or 164 of the Code. These include immediate pre-occurrence and post-occurrence witnesses. CCTV footages available from the cameras installed in the school have been scanned. They were also sent for forensic test before the concerned laboratory. It was found that for the relevant period, the CCTV footages were giving continuous footages. After conducting the postmortem report, further opinion has been taken. A Fall Experiment was also conducted with a dummy and it was found that any

normal human being could scale up the parapet wall and the head could pass through the iron grill. A projection of about 1ft from the roof was present. Call details records of relevant phones were analysed. CDR and CFSL reports have been obtained for the same. The Investigating Agency has collected relevant evidence and would be in a position to file a report in final form very soon.

Learned counsel appearing on behalf of the respondent nos.6 to 9 submits that his clients have always cooperated with the investigation.

The bald and unsubstantiated submission of the petitioner that he did not have faith in Kolkata Police cannot be entertained, especially in the facts of the present case.

After perusal of the case diary, it appears that a thorough investigation has been done by the Homicide Squad of the Kolkata Police under the supervision of Commissioner of Police.

I find no reason why any bias or partiality should exist in the actions of the police officers in the present facts.

Let the investigation be concluded expeditiously and in accordance with law.

If the petitioner is dissatisfied with the result of investigation, he shall be at liberty to file a protest petition before the learned Trial Court. Evidence that would be used during trial would be available to the petitioner/de facto complainant to place it before an entity of his choice for analysis.

The petitioner shall also be at liberty to pray for a copy of the report in final form once the same is filed along with statements of witnesses and other related documents in terms of the decision in ***Jakia Nasim Ahesan, (2011) 12 SCC 302***.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

Sl. 08/NB