

February 1, 2024
AD 12
Ct. No.14
SG

WPA 24080 of 2023

Subhash Roy
vs.
The State of West Bengal and others

Mr. Sk. Toslim Ali

... for the petitioner.

Mr. Amitesh Banerjee
Mr. Suddhadev Adak

... for the State.

Report filed by the State along with a pen drive containing the videography for the search and seizure is taken on record.

Learned advocate for the petitioner submits as follows. The petitioner's wife was picked up by the police on 21.04.2023 much before the alleged seizure of contraband from her and others. The seizure was stage-managed and a videography also might have been done accordingly. There are number of CCTV cameras near the shop of the petitioner's wife. None of the footages was collected. None of the relevant footages can be produced in Court even now. The petitioner's wife is entitled to the benefit of doubt.

Upon enquiry by Court, learned advocate for the petitioner admits that the petitioner's wife being picked up earlier than at the time of seizure was agitated for the first time on 29.08.2023.

Learned advocate for the State relies on the report and submits that a videography regarding the seizure of the contraband of the petitioner's wife has been made.

However, other CCTV cameras available in the area have not retained relevant footages. The order passed by the learned Sessions Judge disposing of the petitioner's prayer is also revisable.

It is quite natural that CCTV cameras installed at public places or even in front of private properties do not usually have a very good storage capacity. Learned advocate for the State has informed the Court that none of the CCTV cameras installed nearby carries any relevant footage.

It is surprising indeed that the petitioner took up such an important issue that his wife was picked up before the seizure only after more than four months from the date of occurrence. Quite naturally, no CCTV footage would be available either to support his contention or to oppose it.

However, the petitioner shall be at liberty to take up this point at the time of trial as a defence and the same would be appropriately dealt with by the learned court.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]

