

06 01.02.2024
NB Ct. 14

WPA 24857 of 2023

Jalesa Khatun
Vs.
The State of West Bengal & Ors.

Mr. Swapan Kr. Mallick,
Mr. Sabyasachi Mondal,
Mr. Samsujjoha,
Mr. Sanway Banerjee,
Mr. A.S.Fazlul Karim,
Ms. Puja Naskar,
Ms. Payel Khanra.
...for the petitioner.

Mr. Rajarshi Basu,
Mr. Shehnaz Tareq Mina.
....for the State.

Report filed on behalf of the State is taken on record.

A copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner's husband was falsely implicated in a case of fake currency and this would be evident from the relevant CCTV footages. He was called to the Ahiron outpost of the Suti Police Station where the mischief was done. Thereafter, he was taken to the Suti police station on the next day.

Learned counsel appearing on behalf of the State submits that there are witnesses to the seizure. Raid was held and two accused were apprehended with the four numbers of cattle, cash sum and two Bangladeshi Nationals.

As per the latest report submitted there was no CCTV camera installed at the Ahiron outpost and four CCTV cameras

installed at the Suti Police Station had memory capacity for storing files only for three days. An initiative has been taken to install CCTV at the outpost and also to increase the storage capacity of the other cameras.

It is unfortunate that the State has not complied with the directions passed by the Hon'ble Apex Court in ***Paramvir Singh Saini's*** case, (2021) 1 SCC 184. There it was categorically held that at present CCTV cameras should be installed at all police stations covering all possible areas and the minimum capacity shall be to store footages for at least one year. The same should be increased to 1½ years, subsequently. The order passed was directed to be circulated to the Chief/Principal Secretaries of all States and Union Territories.

There are several other matters which have come before this Court where such directions have not been complied with as yet.

Let the State of West Bengal take immediate steps to install CCTV cameras in all police stations and its outposts in terms of the directions passed in ***Paramvir Singh Saini's*** case at the earliest.

So far as the present case is concerned, if these issues are taken up by the accused in defence, the learned Court shall be at liberty to draw adverse presumption. However, in such case the learned Court also has to find out whether there is genuineness in such averment or the accused are taking advantage of the fact that CCTV cameras are not installed with adequate storage at present.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Let a copy of this order be sent to the Director General of Police, West Bengal.

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

(Jay Sengupta, J.)