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04.10.2023
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Ct 14

WPA 23850 of 2023

Sk. Ajaharuddin

-vs-

State of West Bengal & ors.

Mr. Samim Ahammed

Mr. Arka Ranjan Bhattacharya

Ms. Gulsanwara Pervin

Ms. Ambiya Khatun

....for the petitioner

Mr. Amitesh Banerjee, Ld. Sr. St. Counsel

Mr. Tarak Karan

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's brother was murdered in front of a polling station immediately before the date of polling. There was a CCTV camera. There are other witnesses also who were present. In spite of this, the Investigating Agency is misdirecting the investigation. The main culprit has not been arrested. The Investigating Agency has randomly picked three persons and have given them format of proposed statements under Section 164 of the Code asking them to make such statement before the Magistrate. Two of them did not agree, one did. Investigation which is being conducted is absolutely perfunctory. The CCTV footages concerned need to be immediately preserved and seized.

Learned senior standing counsel representing the State submits that the Election Commission does not come

under the purview of the State. It will take some time to have such footages seized.

Let the Investigating Officer take immediate steps to have the CCTV footage of the camera outside the polling station preserved whether by intimating the concerned Election Commission Official immediately or otherwise. At the earliest, the other footages shall also be seized in connection with the criminal case.

The State shall produce the case diary and file a report regarding the progress of investigation on the next date of hearing.

List this matter for hearing under the heading "To Be Mentioned" on 13.10.2023.

(Jay Sengupta, J.)