

02 17.11.2023
Ct. No. 01
AN

WPA(P) 579 of 2023

Priyanka Tiberwal
Vs.
The Union of India & ors.

Ms. Priyanka Tiberwal

... for the petitioner
(in person)

Mr. Billawal Bhattacharyya, Ld. DSG1
Mr. Anish Kumar Mukherjee

... for the CBI

Mr. Ashok Kumar Chakraborty, Ld. ASG1
Mr. Sukanta Chakraborty

... for the U.O.I.

Mr. Debasish Roy, ld. P.P.
Mr. Rudradipta Nandy, ld. A.P.P.

... for the State

Ms. Anamika Pandey

... for the intervener

1. We have heard the petitioner appearing in person and the learned counsel for the respective parties at length.

2. Learned counsel representing the State has placed before us a gist of the case diary and the post mortem report in a sealed cover. The cover was opened and the post mortem report dated 16.11.2023 was perused. We are informed by the learned counsel representing the State that the entire procedure was videographed and the recording is preserved. The cause of death stated in the post mortem report is as follows:

“Death was due to the effects of Subarachnoid Haemorrhage as a sequence of rupture of aneurysm as described above. Further opinion be given after the receipt of FSL reports and Histopathology reports.”

3. Learned counsel for the intervener submits that she has instructions to appear on behalf of the family member of the deceased and seeks for filing an appropriate application to be added as a party. Liberty sought for is granted.

4. The apprehension of the petitioner is that the CCTV Footage should be kept intact and preserved and should not be tampered with or nothing should be deleted from the said footage. She also prays for the footage to be handed over to the Registrar General of this Court. In our view, at present, we do not suspect any foul play by the respondent Police, however, we direct the Commissioner of Police to ensure that the entire video footage is preserved after recording the entire footage in a C.D. or in any device which cannot be erased. This recording should be certified by an appropriate authority of the respondent Police who will be personally held responsible, in the event, if it is found there is any tampering or deletion of the said footage.

5. Considering the seriousness of the situation, we trust that the respondent Police will act responsibly in the matter and ensure that the footage is preserved in an appropriate manner to be produced before this Court as and when directed. The appropriate authority of the respondent Police is directed to file their affidavit-in-opposition stating out their stand with regard to allegations in the writ petition. Let the copy of the application which is proposed to be filed by the family members be served on the petitioner appearing in person as well as on the learned counsel

representing the State. The copy of the post mortem report has been handed over to the learned counsel representing the family members.

6. The body of the deceased which is presently lying in the Police Mortuary is directed to be shifted to the Mortuary at the S.S.K.M. Hospital, Kolkata forthwith.

7. List the matter on 23.11.2023 for further consideration.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)