

September 19, 2023
AD 8
Court No.14
SG

WPA 22664 of 2023

Sk. Pappu
vs
State of West Bengal and others

Mr. Jayanta Narayan Chatterjee
Mr. Supreem Naskar
Ms. Jayashree Patra
... for the petitioner

Mr. Suman Sengupta
Mr. Sanatan Panja
... for the State

Mr. Sabyasachi Banerjee
Mr. S. Ray
... for the respondent No.6

Mr. P.P. Dasgupta
Mr. S. Ray
... for the respondent Nos.7-9

Affidavit of service filed in Court is taken on record.

A report filed by the State is also taken on record.

Learned advocate appearing for the petitioner submits as follows. The petitioner is the hapless father of the young boy who died after succumbing to his injuries due to a fall from the fifth floor of his school. After the incident, the victim was surprisingly taken to far-off hospital. There was an inordinate delay in having the inquest done. No copy of the post-mortem report was handed over to the petitioner despite request. It is learnt that the injuries indicated in the same are contrary to what was visible to the bare eyes. There is practically no external injury except for blood oozing out from behind the ears. It appears that the CCTV footage has been either

tampered with or edited because the footage is available till the victim's presence at the fifth floor, but not after that. It is necessary that the CCTV footage is preserved. The investigation is not being done properly. If need be, the deadbody can be exhumed for fresh autopsy.

Learned advocate for the State relies on the report and the copies of the post-mortem report and the inquest done on the victim. According to the inquest and the post-mortem report, there are several injuries on the dead body as is likely to be present if a person suffers death due to fall from a five-storeyed building. The CCTV footage has already been seized. The statements of witnesses have been recorded and investigation is going on. The inquest and the post-mortem both were done under videography.

Learned advocate for the respondent No.6 submits as follows. The allegations made in the writ petition are denied. All efforts were made to save the young boy. The moment it was found that the boy had fallen from the fifth floor of the building, he was taken to the nearest multi-speciality hospital that could be accessed at the earliest.

Learned advocate for the respondent Nos.7 to 9 adopts the submissions of the learned advocate for the respondent No.6.

This is, indeed, a very unfortunate case where a young boy, a student of a school, succumbed to his injuries after falling down from the fifth floor of his school

building. It is an absolute imperative to find out the true cause of death.

For the present, the investigating officer would seize the CCTV device by which the relevant video footage was captured as also the hard disc of the corresponding system and the same be preserved by the investigating agency.

The investigating officer shall also apply and obtain an opinion from a team of medical experts of the SSKM Hospital to be set up by the authorities about the nature of injuries and the cause of death. All the relevant records including the videography be placed before the board. Let the report be filed on the next date in a sealed cover.

The investigation be carried on under the direct supervision of the Commissioner of Police, Kolkata.

The investigating officer shall hand over a copy of the post-mortem report to learned advocate for the petitioner in course of the day.

The respondents shall be at liberty to file affidavit-in-opposition within a week from date. Reply, if any, be filed within a week therefrom.

The State shall produce the case diary on the next day.

List the matter for further hearing under the heading "To Be Mentioned" on 6th October, 2023.

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

[Jay Sengupta, J.]