

NOTE SHEET

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File No.60/25/05/2022

Perused the report of Sambhu Nath Majumder, AC(III), SED as forwarded by C.P., Kolkata / Dy. Commissioner of Police, South East Division, Kolkata regarding complaint of one Zamir Ahmed, resident of 2E, Radha Gobinda Sahal Lane, P.S. Karaya, Kolkata - 700017.

The report has some serious laches for which clarification is needed on following points from Commissioner of Police, Kolkata :-

1. The petitioner claimed that he was organizing a party on the roof top of his residence and was present there till 1.50 a.m. on 01-1-2022. He is supporting his claims with the help of C.C.T.V. footage annexed in his petition to this effect. However, in the enquiry report of the A.C.P.III it is mentioned that around 1.30 hrs. the team of S.I. Manish Singh saw certain unruly persons in front of Quest Mall No.1 Gate from which the arrests were effected and the matter diarized vide Karaya P.S. G.D.E. No.2545 dt.01-1-2022. Subsequently, Karaya P.S. Case No.01 dt.01/1/2022 u/s 353/34 IPC was recorded over the incident. The enquiring officer has failed to examine the petitioner or record his statement as well as examine the CCTV footage as claimed by the petitioner for which this point remains a mystery.
2. The petitioner has submitted a medical report dt.04/1/2022 at 8 p.m. by one Dr. Aritra Saha of S.S.K.M. Hospital in which it is recorded that there was physical assault by means of punching over face multiple times. The

medical report mentions that name of accused as Manish Singh (S.I. of Police) along with his senior officer-in-charge, Swarup Ranjan Pahari. The A.C.P. has failed to record the statement of Dr. Aritra Saha of S.S.K.M. Hospital over this issue and has also failed to obtain details of C.T. Scan, X-Ray etc. done by the petitioner in this regard. Since the report mentions that this medical report was an afterthought, therefore, it is very pertinent to note that at what time the victim was released from jail and at what time he was examined by Dr. Aritra Saha of S.S.K.M. Hospital along with statement of the examining doctor.

3. In the report of A.C.P.III (Reference page 2, para, 2 of the report), A.C.P-III mentions "factually, the petitioner was engaged in a brawl after being consumed alcohol on New Year. During that time he might have got injury on his left eye. In the inspection memo dt.01-1-2022 it is mentioned". It is true that in the inspection memo the same is mentioned but the annexed medical examination report dt.01.1.2022 at 5.37 a.m. of IPGMER and SSKM Center of Excellence, it is clearly mentioned that no complaint, patient consumed alcohol no breath. However, this report does not mention of any injury of the petitioner/victim on his eye. How is this possible when the inspection memo and A.C.P.s report state that some injury on his eye during the brawl? Therefore, a clarification is required in the form of statement of the doctor, statement of the victim, statement of S.I. Manish Singh, statement of O.C., Karaya P.s to this effect.
4. The Commission is constrained to note that the report of ACP-III, S.E.D. is not acceptable because of several laches. The Commissioner of Police,