

14.12.2020

Item No.1
Ct.No.42
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1742 of 2020

**Priyanka Giri
versus
The State of West Bengal & Anr.**

Mr. Rajdeep Majumder,
Mr. Moyukh Mukherjee,
Mr. Abhijit Singh ... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... For the State.

The learned advocate for the petitioner is present in Court.

Mr. Majumder, learned advocate for the petitioner is aggrieved by the manner in which under the garb of enquiry in connection with G.D. Entry No. 20/20 dated 04.07.2020, the Enquiry Officer is carrying out an investigation. Mr. Majumder draws the attention of this Court to the notice under Section 41(A) of the Code of Criminal Procedure issued by the said Enquiry Officer. According to the learned advocate, once a notice under Section 41(A) of the Code of Criminal Procedure has been issued, the petitioner enters into the shoes of an accused and the same cannot be without the proper registration of a case. It is further pointed out that such enquiry initiated in the month of July 2020 and is being carried on for the last five months and in the meantime, vide seizure dated 28.08.2020, mobile phone of the present

petitioner has been taken into custody by the said Enquiry Officer.

In view of the prolonged activity of the present Officer, I am of the opinion that in case further acts are gone into in connection with the aforesaid G.D. Entry, the Officer attached to Cyber Crime Police Station, Bidhannagar Police Commissionerate would seek permission from the learned ACJM, Bidhannagar as to whether a case for investigation has been made out under the appropriate sections of the Code of Criminal Procedure. Till such time, the learned Magistrate passes any order in respect of the issue whether a case is to be registered or not, the present Officer is restrained to act any further in connection with G.D. Entry No. 20/20 dated 04.07.2020 which was lodged with Cyber Crime Police Station, Bidhannagar Police Commissionerate.

Mr. Majumder also draws the attention of this Court to an information being lodged with the Officer-in-Charge, Electronic Complex Police Station on 01.03.2020 by the present petitioner.

In view of the fact that such information was earlier brought to the notice of the concerned police station, I direct that the information/complaint dated 01.03.2020 should be transferred to Cyber Crime Police Station, Bidhannagar Police Commissionerate which would be enquired into or if required, investigated by a lady Officer deputed under the said police station in accordance with law.

It is made clear that till an order is passed by the learned ACJM, Bidhannagar, the present notice under

Section 41(A) of the Code of Criminal Procedure directing the petitioner to appear, shall stand quashed.

The S.I., Bidhannagar Cyber Crime Police Station is personally present in Court. His further appearance is dispensed with.

The Status Report dated 13.12.2020 filed by the S.I., Bidhannagar Cyber Crime Police Station be kept with the record.

With the aforesaid observations, CRR 1742 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)