

19.09.2022
Item No.60
Suman
Ct.42

CRR 2790 of 2022
With
CRAN 1 of 2022
With
CRAN 2 of 2022

Saurabh Adhikari
Vs.
State of West Bengal and Anr.

Mr. Rajdeep Mazumder
Mr. Pritam Roy
....for the petitioner

Mr. Sabyasachi Banerjee
Mr. Sourav Chatterjee
Mr. Ashoke Pandey
Mr. Sudipta Nayan Ghosh
Mr. Rabin Priyo Dasgupta
...for the opposite party No.2

Mr. Madhusudan Sur, APP
Mr. Manoranjan Mahata
...for the State

The parties are represented through their
learned counsels.

The opposite party No.2 has filed an
application praying for vacating of the interim
order which was granted by this Court on 4th
August, 2022.

The application for vacating of the interim order is taken up as affidavit-in-opposition against the instant criminal revision. This Court proceeds with final disposal of the instant revision.

In the order dated 4th August, 2022 the following observation was made:-

"It is contended by the Learned Advocate for the petitioner that over selfsame written complaint two Police cases cannot be registered. It is also pointed out by the Learned Advocate for the petitioner that the petitioner was served with a notice under Section 160 of the Code of Criminal Procedure. The petitioner duly complied with the said notice. Subsequent to the said notice the petitioner was directed to produce certain documents, viz., savings account maintained by him, credit card details, current account number and other fiscal aspects relating to the petitioner by a notice under Section 91 of the code of Criminal Procedure on 28th July, 2022. After receiving such notice petitioner apprehends he may be arrested in connection with Mohanpur Police Station Case No. 26/2022 which according to the Learned Advocate for the petitioner is not maintainable in the hand of law in view of the

pendency of Titagarh Police Station Case No.669 of 2021.”

It is contended by the learned advocate for the opposite party No.2 that due to administrative convenience and as per order issued by the Department of Home Affairs, Government of West Bengal Titagarh Police Station was bifurcated to two police stations viz., Titagarh and Mohanpur. Initially on the basis of a written complaint submitted by the opposite party No.2 Titagarh Police Station Case No.669 of 2021 was registered as Regent Education & Research Foundation fell within the jurisdiction of Titagarh Police Station.

Be it mentioned here that one Pramod Kar representing himself as the Chief Administrative Officer of Regent Education & Research Foundation filed the written complaint before the Officer-in-charge of Titagarh Police Station on 14th September, 2021. After bifurcation of Titagarh Police Station, Mohanpur Police Station takes its birth. Regent Education & Research Foundation comes within the jurisdiction of Mohanpur Police Station. Subsequently, by an order dated 9th June, 2022 passed by the learned Additional Chief Judicial Magistrate, Barrackpore, Titagarh Police

Station Case No.669 of 2021 was transferred to Mohanpur Police Station for further investigation.

Therefore, I am in agreement with the learned advocate for the opposite party and the learned P.P.-in-charge that no new case was registered at Mohanpur Police Station.

It is submitted by Mr. Mazumder, learned advocate for the petitioner that the petitioner has challenged veracity of a notice under Section 160 of the Code of Criminal Procedure issued by the Investigating Officer at Mohanpur Police Station to the petitioner and the petitioner reasonably apprehends that on the strength of the said notice he may be arrested. However, the order dated 4th August, 2022 clearly reveals that the petitioner was served with a notice under Section 91 of the Code of Criminal Procedure directing him to produce certain documents, namely, savings bank account maintained by him, credit card details, current account number and other fiscal aspects. Thus, a notice under Section 91 of the Code of Criminal Procedure cannot be treated as a notice under Section 160 of the Code of Criminal Procedure.

At this stage, Mr. Mazumder draws my attention to page 22 (Annexure P-4) of the

revisional application. It is ascertained that the petitioner was served with a notice under Section 160 of the Code of Criminal Procedure.

In view of such circumstances, the instant revision is disposed of with the following directions.

- (i) The petitioner is directed to comply with the notice under Section 91 of the Code of Criminal Procedure.
- (ii) The petitioner shall meet the Investigating Officer in compliance with the notice under Section 160 of the Code of Criminal Procedure.
- (iii) The Investigating Officer is at liberty to interrogate the petitioner for the purpose of investigation of the case, if he so wishes. But it is made clear the Investigating Officer cannot arrest the petitioner on the strength of the notice under Section 160 of the Code of Criminal Procedure. If such occasion arises, the Investigating Officer is at liberty to take appropriate action as laid down as per the Code of Criminal Procedure.

The instant revision and the connected applications are, thus, disposed of.

(Bibek Chaudhuri, J.)