

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3678 of 2022

**Sushanta Bhattacharya @ Susanta Bhattacharya
Vs.
The State of West Bengal & Anr.**

**For the petitioner : Mr. Rajdeep Mazumder, Adv.,
Ms. Radhika Agarwal, Adv.**

Judgement on : 28.09.2022.

Bibek Chaudhuri, J.

Petitioner is the brother of the principal accused, namely, Somnath Bhattacharya who is in custody in connection with Tamluk Police Station Case No. 765/2022 dated 26th August, 2022 corresponding to GR Case No. 2555/2022 under Sections 419/420/406/468/471/472/473/506/34 of the Indian Penal Code.

The petitioner was served with a notice under Section 160 of the Code of Criminal Procedure by the Investigating Officer directing him to attend before him for interrogation as a witness. The petitioner apprehends that he may be arrested on the strength of the said notice under Section 160 of the Code of Criminal Procedure. The view of this Court with regard to scope of notice under Section 160 of the Code of Criminal Procedure is consistent that a witness cannot be

arrested as an accused on the strength of a notice under Section 160 of the Code of Criminal Procedure.

In view of such circumstances, I am inclined to dispose of the instant revision with the direction that the petitioner shall comply with the notice under Section 160 of the Code of Criminal Procedure and attend the Investigating Officer for interrogation but the Investigating Officer cannot arrest him on the strength of the notice under Section 160 of the Code of Criminal Procedure.

If the petitioner is required to be arrested in connection with the above-mentioned case, the Investigating Officer shall have to follow the provisions contained in the Code of Criminal Procedure regarding arrest of a person in a cognizable case.

With the above observation, the instant revision is disposed of.

The petitioner is at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 09.