

07.12.2023
Serial no. 22
[G.S.D]

CRR 1507 of 2023

In the matter of : Jit Srimani

... .. Petitioner

Mr. S. Chatterjee
Mr. Arhan Sengupta
Mr. Partha Pratim Sinha

... For the petitioner

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly
Ms. Trina Mitra

... for the State

The petitioner is directed to serve upon Ms. Trina Mitra, Id. advocate, who ordinarily appears on behalf of the State, who would be led by Mr. Arijit Ganguly, Id. advocate, who also ordinarily appears on behalf of the State. Their appearance may be regularized by the concerned authority.

Ld. Public Prosecutor is directed to appear on behalf of the State and to take steps against the officer concerned.

The main grievance of the petitioner is that he is an accused in the case and he is receiving notice under Section 41A by means of *WhatsApp* message through the defacto-complainant. The conduct of the investigating officer has been dealt with by the Id. ACJM, Barrackpore in its order dated 28.2.2023. There are mode and manner of service

under section 41A of the Cr.P.C. If the investigating officer violates the same, the same should be taken to task.

However, the petitioner would be at liberty to take appropriate steps under the relevant provisions of law against the investigating officer in view of the observations made by the Id. ACJM, Barrackpore in its order dated 28.2.2023.

The Id. Public Prosecutor, High Court, Calcutta would inform the Deputy Commissioner of Police in charge of Dumdum P.S. to take appropriate steps against the investigating officer of the case provided he finds that the complaint made by the present petitioner is justified.

With the aforesaid observations, CRR 1507 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)

