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20.09.2023
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Ct 14

WPA 20573 of 2023

Sk. Aspire Ali & anr.

-vs-

State of West Bengal & ors.

Mr. Phiroz Edulji

Mrs. Juin Dutta Chakraborty

...for the petitioners

Mr. Biswabrata Basu Mallick

Mr. Ratul Biswas

....for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is a 67 years old man. The petitioners are not the accused in this case. Both the petitioners are being called by the Investigating Agency unnecessarily to produce certain documents in connection with a pending case. According to proviso of Section 160 of the Code of Criminal Procedure, no person above the age of 65 can be called to the police station and should instead be attended at any place where he or she resides. Besides, copies of documents which are required by the police authorities are annexed with the writ petition.

Learned counsel appearing on behalf of the State submits that notices were given four times to produce

certain documents in terms of Section 91 of the Code of Criminal Procedure. But the petitioners appeared only once and prayed for some time as the petitioner no.1 would be going for Hajj pilgrimage and thereafter, would be in a position to produce such documents.

So far as, the petitioner no.1 is concerned, let the police authorities give a fresh notice intimating him that they would be visiting his residence at a particular date and hour for collecting necessary documents as required in terms of Section 91 of the Code. So far as the other petitioner is concerned, he shall abide by any afresh notice that may be issued by the petitioners for production of documents.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)