

WPA 22688 of 2023

Safi Uddin Naskar

-vs-

State of West Bengal & ors.

Mr. Pintu Karar

Mr. Akashdeep Mukherjee

Ms. Sayani Manna

...for the petitioner

Mr. Ashim Kumar Ganguly

Mr. Sambuddha Dutta

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. A notice dated 15.09.2023 was issued by the Investigating Agency to the petitioner under Section 41A of the Code of Criminal Procedure in respect of the Baruipur Police Station Case No. 1203 of 2023 dated 14.09.2023. This prompted the petitioner immediately to go to the learned Court concerned to obtain bail. But after search he found that such case records had not been transmitted to the Magistrate's Court.

Learned counsel appearing on behalf of the State relies on copy of extract of a peon book, which is taken on record and submits as follows. The case records were transmitted very much in time. However, there were some mistakes in the notice issued under Section 41A of the Code. First, there was a mistake in the case date, which should actually be 14.09.2023 instead of 14.09.2017. Secondly, a similar mistake was also there in the third line of the body of the

notice. That apart, the notice went to the petitioner because he was a licensee in respect of a shop owned by the accused. Now, it has been found that the present petitioner is not an accused as named in the FIR. Therefore, the police authorities are withdrawing the said notice issued to the petitioner.

As the respondent police authorities have understood their mistakes and are withdrawing the notice under Section 41A of the Code, no further order need be passed in this regard.

The presence of the Investigating Officer is noted and is dispensed with.

Accordingly, the writ petition is disposed of without any costs.

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

(Jay Sengupta, J.)