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Court no. 14
21.09.2023
D.Hira

W.P.A. 22839 of 2023

Sanjoy Ghosh & Anr.
-versus
The State of West Bengal & Ors.

Mr. Rajdeep Majumder,
Mr. Moyukh Mukherjee,
Ms. Sagnika Banerjee.
...For the petitioners

Mr. Wasim Ahmed,
Mr. M. Shehaboddin.
... for the State

This is an application praying for direction upon the respondent authorities not to take any coercive steps against the petitioners in connection with Shantineketan Police Station Case No. 38 of 2023 dated 19.04.2023 under Sections 109/341/323/354/506/509/34 of the Indian Penal Code.

Affidavit-of-service filed on behalf of the petitioners in Court today, be kept with the record.

Report submitted on behalf of the State be kept with record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no. 1 is the Joint Registrar Accounts of Visva Bharati University and the petitioner no. 2 is the acting Registrar of the said university. The respondent no. 6, being a student of PH.D. of the university in the Philosophy department lodged a complaint on 19.04.2023 that on 06.12.2022, some female security guards of the university attacked her, tried to tear her garments and threw her out of the place where they were demonstrating against certain actions of the Vice-chancellor of the university. The

Vice-chancellor was also made an accused there. The present petitioners are not the accused in this case. However, the police authorities only to harass the petitioners are sending notices under Section 160 of the Code knowing fully well that they are not acquainted with the facts. The alleged incident took place in front of house of the Vice-chancellor and it was not within the administrative jurisdiction of the petitioners. The petitioners are not pressing the prayer for no “coercive steps” as they are not the accused in this case. However, if at all any interrogation is to be done, let the police officers come to their respective offices for any enquiry.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegations made in the writ petition are denied. In the usual course of investigation the Investigating Officer had thought it fit to put certain questions to the present petitioners. That is why notices under Section 160 of the Code were given. The petitioners have not co-operated with the same.

It appears that the case at hand is still pending and has not been quashed or stayed by any Court of law. Therefore, the Investigating Agency has every right to investigate the same. Such right cannot be curtailed by this Court on a vague apprehension that the Investigating Agency might be unnecessarily harassing some witnesses by asking questions.

If the petitioners are not aware of the connected facts, they would be at liberty to state the same before the Investigating Officer.

However, in the fitness of things, let the Investigating Officer give a seven days’ prior notice to the petitioners to examine them and, thereafter, examine them at their respective offices. The

examination, if any, shall be done on a particular day and for a duration not exceeding two hours.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)