

04.10.2023  
Court No.4  
Sl. No. 5  
pk

**HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

**CRR 190 of 2023**

In the matter of : **Rajib Chowdhury and Anr.**

Ms. Suman Sehanabis (Mondal)  
Mr. Salok Sah  
.... for the Petitioners

Mr. Sudip Guha  
Mr. Sandip Guha Roy  
...for the Opposite Party Nos. 2 & 3

Mr. Aditi Shankar Chakraborty  
Mr. Sourabh Ganguly  
.....for the State

1. The Learned counsel appearing for the petitioners submits that the petitioners are not aware of the fate of the u/s. 107 of the Criminal Procedure Code. She has further submitted that from the report of the I.O. of the Cyber Police Station, district Jalpaiguri, it is evident that the Principal of the Ananda Chandra College of Commerce has an involvement in regard to the uploading of the cropped photographs in the whatsapp group, namely, 'Principal Padatyag Andolon'.

2. The Learned counsel for the petitioner seeks an order from this Court to the effect that as to whether the proceedings u/s 107 of the Criminal Procedure Code has reached its finality or not.

3. The Learned counsel appearing on behalf of the opposite party nos. 2 and 3, namely, Misthu Barman and Suman Sharma, submitted that the two persons those who have been named as opposite party nos. 2 and 3 have furnished personal bond as had been directed by the learned Executive Magistrate.

4. The Learned counsel appearing on behalf of the State has submitted that from the enquiry report furnished by ASI Dhrubajyoti Debsingha of the Cyber Police Station, district Jalpaiguri dated 27.12.12 ought to have been dated 27.12.2022, as it reveals from the signature of the Inspector-in-Charge, Cyber Police Station, who has forwarded the same wherein the date 27.12.2022 transpires. So the date of the enquiry report of Cyber Police Station, Jalpaiguri, ought to have been 27.12.2022 instead of 27.12.2012.

5. The Learned counsel appearing on behalf of the State submits that in the said enquiry report by the I.O. addressed to the Chief Judicial Magistrate, Jalpaiguri, it has been stated that during further enquiry no digital evidence has been collected against the Principal and others till the date of submission of the said report as such no question of taking step against the Principal of Ananda Chandra

College of Commerce namely Dr. Siddhartha Sarkar does not arise.

6. Section 107 of the Code of Criminal Procedure states as follows:

**“107. Security for keeping the peace in other cases—**(1) *When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, [51](#)[with or without sureties] for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.*

*(2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.”*

7. Considering the fact that the two accused persons, namely, Misthu Barman and Suman Sharma, have submitted their personal bonds wherefrom it transpires that these two accused persons have expressed through their respective personal bond that they will maintain peace and tranquillity and good behavior. In the event of failure to comply the same they will remain liable to be punished.

8. From the aforesaid section it is apparent that when an Executive Magistrate receives information that any person is likely to commit the

breach of peace or disturb the public tranquility or do any wrongful act that may probably occasion the breach of peace or disturb the public tranquility there is sufficient ground for proceedings. He may, in the manner, hereinafter require such person to show cause as to why he should not be ordered to execute a bond, with or without sureties for keeping peace for such period not exceeding one year.

9. In the instant case both the accused persons have furnished their respective P.R. Bonds, so by submitting the bond both the accused persons have pledged to maintain peace, tranquility and good behavior.

10. From the enquiry report submitted by the ASI of Cyber Police Station, District Jalpaiguri it is apparent that there was no digital evidence against the Principal and others and the two accused persons namely Misthu Barman and Suman Sharma that is the opposite party nos. 2 and 3 having submitted their bonds, there is no further order required to be passed in the instant case.

11. As such the Criminal Revision being CRR 190 of 2023 is disposed of.

**(Supratim Bhattacharya, J.)**