

09.07.2024

Ct. No. 14

Sl. No.19

AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 5924 of 2024

**Shouvik Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Bikram Banerjee
Mr. Sudipta Dasgupta
Mr. Baibhav Roy
... For the petitioner.

Mr. Amitesh Banerjee. Sr. Standing Counsel.
Mr. Rajarshi Basu
Mr. Ananda Dulal Sarkar
... For the State.

Mr. Arnab Sinha
Mr. Amartya Basu
... For the respondent no.5.

Mr. Dyutiman Banerjee.
Mr. Sourat Nandy.
... For the respondent no. 6.

The dispute is between the petitioner and the defacto complaint, the respondent no. 6. The petitioner was the client of the respondent no. 6, an advocate.

An incident is reported to have taken inside the Court premises on 1st June, 2023. The learned advocate who was representing the petitioner at that point of time lodged a complaint against the petitioner. On the basis of the complaint made by the learned advocate the petitioner was taken in custody on 1st June, 2023 and was produced before the learned Magistrate on 2nd June, 2023.

The statement of the defacto complainant was recorded under Section 164 Cr.P.C and the petitioner was remanded to jail custody. He was released on bail on 16th June, 2023 only after he filed an unconditional apology for his behaviour to the members of the local bar association and assured that he would not commit any mistake in future and would give proper respect to the lawyers of all the Courts of India.

Learned advocate representing the petitioner contends that the guidelines laid down by the Hon'ble Supreme Court in the judgment of **Arnesh Kumar – Vs- State of Bihar and Another** reported in **(2014) 8 Supreme Court Cases 273** were not complied by the police at the time of arrest.

Learned advocate representing the State respondents submits, upon instruction that, for preventive emergency measure the police had to arrest the petitioner on the spot. As the I.O. did not require the presence of the petitioner in the police station, accordingly, prayer was made for judicial custody. The Court was pleased to direct the petitioner to be kept in judicial custody on and from 2nd June, 2023 till 16th June, 2023.

It has been submitted that charge sheet has already been filed.

Learned advocate who is the defacto complainant, the respondent no. 6 herein, is personally present in Court. It has been submitted that such untoward incident took place within the Court premises for which she was compelled to file the complaint before the police.

From the submission made on behalf of the parties, it appears that the charge sheet has already been filed in the learned trial Court on 10th July, 2023.

The petitioner prays for compounding the offences.

It will be open for the petitioner to approach the learned Magistrate with all his prayers.

The writ petition stands **disposed of**.

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

(Amrita Sinha, J.)