

39 30.04.2024
NB Ct. 14

WPA 26903 of 2023

Soumyendra Lal Das
Vs.
The State of West Bengal & Ors.

Mr. Rishav Singh,
Mr. Sagar Mishra,
Ms. Khusi Gupta.
...for the petitioner.

Mr. Wasim Ahmed,
Mr. Shehabuddin.
...for the State.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is aged about 66 years. He had received two notices from the Phoolbagan Police Station under Section 160 of the Code of Criminal Procedure to come to the police station for examination. The matter pertains to Phoolbagan Police Station Case No.129 dated 25.07.2023 under Sections 420, 406, 506 and 120B of the Penal Code. The petitioner had replied that he could not establish any connection with the said case. Yet, the second notice was issued. As per Section 160 of the Code of Criminal Procedure, if a person above the age of 65 years is to be examined as a witness, the police ought to examine him at his residence. Reliance is also placed on a decision of this Court passed on 20.09.2023 in *WPA 20573 of 2023*.

Learned counsel appearing on behalf of the State submits that police would be acting in accordance with law and

if necessary, issue a fresh notice. The police had asked for documents from the petitioner, which were not provided earlier.

In view of the above, let the earlier notices issued to the petitioner under Section 160 of the Code be set aside.

If the Investigating Agency wants to examine the petitioner, appropriate notice/s be given under Section 160 of the Code mentioning the date and time on which the Investigating Officer shall visit the residence of the petitioner for his examination. The notice/s should be given 48 hours before the date of visit.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)