

25.04.2025
Item No.166
Ct. No.35
dc.

W.P.A. 8158 of 2025

**Ananda Mallick @ Anand Mallick
versus
The State of West Bengal & Ors.**

Mr. Surojit Basu,
Mr. Pronojit Roy ... For the Petitioner.

Mr. Suman Ghosh,
Mr. Sankha Prasad Roy ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The petitioner is aggrieved by the arrest which was effected by the Officer-in-Charge, Pragati Maidan Police Station. Learned advocate appearing for the petitioner submits that in spite of the charges being below seven years, without any notice under Section 41A of the Code of Criminal Procedure, the petitioner was arrested and was taken into custody. The grounds of arrest were not communicated to the petitioner.

Learned advocate appearing for the State submits that since the victim happened to be a deaf and dumb girl, the help of the interpreter was taken and subsequently it came to knowledge that the offences complained of are under Section 376(2)(i) of the Indian Penal Code and the said Section was added on the same day.

Having considered that the issue which has been canvassed was relating to action of the police authorities on 11th December, 2023 and charge-sheet was submitted on 25th February, 2024, I am of the view that the same is a belated plea taken up by the petitioner. It has been informed that trial of the case has commenced. Having considered the fact that trial has already commenced and charge has already been framed, petitioner would be at liberty to canvass such issues before the court which is in seisin of the matter.

With the aforesaid observations, the writ petition being WPA 8158 of 2025 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)