

M/L 02
07.07.2025
ct.no.35
Kausik

W.P.A. 11533 of 2025

**Vikki Sharma
Versus
State of West Bengal & Ors.**

Mr. Satadru Lahiri
Mr. Rishav Singh
Mr. Soumalya Dutta

...for the petitioner.

Mr. Amal Kr. Sen, AGP
Ms. Ashima Das (Sil)

...for the State.

A report has been submitted by the Inspector-in-Charge, Cyber Crime Police Station Raiganj Police District enclosing the report prepared by Superintendent of Raiganj District Correctional Home. The report reflects that although the jail authorities tried to make the accused available before the learned CJM, Howrah on the respective date, that is, 13.05.2025, the learned Magistrate refused to accept such production through virtual mode.

Records of the case reflect that production warrant was issued and as such the first production date was fixed by the learned Court on 13.05.2025. As 13.05.2025 was the first date of production, if the learned Magistrate was unwilling to accept the

presence of the accused through virtual mode, learned Magistrate was perfectly correct in view of the statutory provisions under section 187 of the BNSS.

Mr. Lahiri, learned advocate appearing for the petitioner draws the attention of the Court to the order dated 13.05.2025 wherefrom it reflects that, the reason which was assigned to the learned Magistrate on 13.05.2025 by the police authorities were that the accused could not be produced before the Court due to non-availability of force and vehicle. Subsequently, a date was fixed on 17.05.2025. On the said date also the accused was not produced by the prosecution for the same reason. Pursuant to which the petitioner approached before this Court and on 03.06.2025 the accused was for the first time produced before the Court.

Learned advocate appearing for the petitioner is apprehensive regarding the fact that the computation of period of custody after showing arrest the petitioner in connection with Domjur PS Case No. 202/2023 would be subjected to inconvenience against the petitioner, as he has been purposely produced almost after a month of showing the petitioner arrested and the production warrant was issued.

Mr. Sen, learned AGP appearing on behalf of the State submits that some dates were there where the case before the CJM, Raiganj, Uttar Dinajpur and the case before the CJM, Howrah coincided.

Be that as it may, since the clarifications are subject to interpretation which are to be considered at a stage (if so arises) when the issue relating to default bail would be considered, at the present stage, I am not inclined to fix the starting point of computation. It would be the discretion of the learned Magistrate to assess regarding the date of computation if the situation so arise.

With the aforesaid observations WPA 11533 of 2025 is disposed of.

Report so submitted be kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

In the earlier order dated 23.06.2025 the reference to the case which is pending before the learned CJM, Howrah is "GPR P.S. Case No. 24 of 2025" the same is incorrectly typed and should be read as "Domjur P.S. Case No. 202/2023".

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

(Tirthankar Ghosh, J.)