

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

Present:

The Hon'ble Justice Tirthankar Ghosh

W.P.A. 13248 of 2025

***Jupiter Electric Mobility Private Limited & Anr.*
versus
The Commissioner of Police, Police Commissionerate
of Pimpri Chinchwad & Ors.**

For the Petitioners : Mr. Saptangsu Basu
Mr. Anirban Ray
Mr. Snehasish Sen
Mr. D. Mukherjee
Mr. Ayan Sarkar.

For the State of Maharashtra : Mr. A. Roy, Ld.G.P. Govt. of West Bengal,
Mr.Dipanjana Datta,Ld.Sr. Advocate,Govt. of
West Bengal,
Mr. S. Banerjee.

For the respondent No.7 : Mr. Tarique Quasimuddin
Mrs. Zainab Tahur
Mr. Mohammed Adnan Lodi.

Heard On : 01.08.2025

Judgement On : 01.08.2025

Tirthankar Ghosh, J. :

Affidavit-of-service filed by the petitioners be kept with the
record.

Petitioners have challenged the notice under Section 94 of the BNSS in connection with Bhosari Midc Police Station Crime No.307 of 2025. By the said notice, the police officer attached to Economic Offence Wing Pimpri Chinchwad, Maharashtra called for a series of documents as well as the personal attendance of the writ petitioners. Learned senior advocate appearing for the petitioners submits that since the provisions of Article 226(2) of the Constitution of India approves the writ petition to be entertained by this Court he has challenged the notice issued under Section 94 of the BNSS to the limited extent of challenging the personal attendance of the present petitioners.

Learned senior advocate has further submitted that all the documents which were called for in the said notice have been sent to the police authorities and there are no complaints in respect of any of the documents which have been sent to the police authorities. Learned senior advocate thereafter draws the attention of this Court to the provisions of Section 94 of the BNSS which is quoted below:

“Summons to produce document or other thing.

(1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer, such Court may issue a summons

or such officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed-

(a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023 or the Bankers' Books Evidence Act, 1891 (13 of 1891); or

(b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority."

Emphasis has been laid on Sub-Section (2) of Section 94 of the BNSS.

Additionally, it has been contended that a commercial suit being T.S.(Com)10 of 2025 has been preferred by Jupiter Electric Mobility Private Limited which is pending before the learned Judge, Commercial Court at Alipore. Attention of the Court is drawn to the order dated 17.06.2025 wherein the learned commercial court was pleased to observe as follows:

"Hence, an ex parte ad interim order of injunction is hereby granted in favour of the petitioner restraining the respondent no.1, its men, agents, servants, representatives, assigns and all persons claiming through or under it, from in

any manner interfering with or obstructing the business operations of the petitioner and/or disturbing the subsisting agreement between the petitioner and the respondent no.2 relating to the manufacture, production and supply of “Jupiter Tez” products and from claiming, asserting or representing any right, title or interest in respect of the intellectual property belonging to the respondent no.2 in any manner whatsoever till the next date as fixed hereunder.”

Mr. Datta, learned senior government advocate appearing on behalf of the State of Maharashtra submits that he has specific instructions that not only the documents but also the veracity of the said documents are required to be cross-checked from the petitioners. As such, without the physical presence of the petitioners, the investigation itself would be futile. Additionally, it has been submitted that some of the accused persons are in custody in connection with the instant case. As such, the statements which are being made by the accused persons are required to be verified, consequently, the physical presence of the petitioners so far as it relates to the documents are concerned are to be cross-checked by the investigating officer of the case for unearthing truth associated with the investigation of the case.

Mr. Tarique Quasimuddin, learned advocate appearing for the respondent no.7 draws the attention of the Court to the enclosures to the writ petition and submits that the undertaking to physically appear was given by Jupiter Electric Mobility Private Limited and to

that extent, time was sought for on or about 29th May, 2025 and the same prayer was reiterated on 14th June, 2025. It is further contended on behalf of the respondent no.7 that after the said period was over, the writ petitioners preferred suit before the commercial court.

Without entering into the merits of the contentions whether such an application can be entertained by a different High Court where the criminal case has not been registered but only on the basis of residence of the petitioners, I am much more interested to interpret Section 94 of the BNSS. The process of criminal law at the stage of investigation includes within its ambit to collect materials relevant to the case, the examination of the witnesses, seizure of materials which may also be required for arriving at a conclusion in respect of the investigation, arrest of the accused persons, if required, as also ascertaining regarding the materials collected for submission of a report under Section 193 of the BNSS. In such process, the investigating officer has been empowered with powers under the procedural law which cannot be curtailed or monitored in any circumventing manner.

Primarily, it reflects that the physical presence of the individual is required by the investigating officer of the case. The law also permits the same. If the petitioners are apprehensive otherwise they will exhaust their remedies before the appropriate court of law. Consequently, I do not find any merits in the present writ petition.

Accordingly, WPA 13248 of 2025 is dismissed.

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

Urgent photostat certified copies of this judgment, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)