

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 3335 of 2025

Binod Kumar Singh

-vs-

The State of West Bengal & others.

For the Petitioner : Mr. Pritam Majumdar

For the State : Mr. Debasis Roy, Ld. PP
: Mr. Arijit Ganguly

Heard on : 13.08.2025

Judgment on : 13.08.2025

Jay Sengupta, J.:

This is an application praying for quashing of the proceeding under Section 179 of the Bharatiya Nagarik Suraksha Sanhita dated

22.07.2025 served on the petitioner on 25.07.2025 through Whatsapp communication arising out of Naihati Police Station Case No. 19 dated 31.01.2025 under Sections 103 (1) and 3(5) of the BNS, 2023 read with Sections 25 and 27 of the Arms Act.

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

It does not appear that service of notice could be effected on the de facto complainant.

No one appears on behalf of the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was issued a notice on 02.04.2025 to appear before the police as a witness. This was challenged before this Court. By an order dated 16.04.2025, this Court granted liberty to the Investigating Agency to issue proper notice to the petitioner, but by giving sufficient time to comply with the same. By the same order, the investigation of the case was transferred to the Detective Department of the Barrackpore Police Commissionerate. Yet, a charge sheet was filed on 26.04.2025 by the local police. Even, thereafter, another notice was purportedly issued to the petitioner on 22.07.2025 which was sent to the petitioner by Whatsapp on 25.07.2025 to appear before the police authorities on 26.07.2025. There is a gross violation of this Court's order, not only so far as the direction to transfer the further investigation to the Detective

Department of the Barrackpore Police Commissionerate was concerned, but also in the manner in which the notice was issued to the petitioner.

Learned Public Prosecutor representing the State denies the allegations and submits as follows. The charge sheet in question was submitted by the concerned Police Officer of the local Police Station without any knowledge of the Detective Department of the Barrackpore Police Commissionerate. All necessary departmental steps in this regard would be taken. So far as the notice in question is concerned, an appropriate notice, if permitted, will be issued to the petitioner to appear before the Investigating Agency on a particular date.

As the impugned notice issued through Whatsapp was quite insufficient in terms of time for response, the same is set aside.

However, liberty is granted to the Investigating Agency to issue an appropriate notice upon the petitioner on 18.08.2025 through a proper mode directing the petitioner to respond to the same within a week from that date. It is made clear that the petitioner shall be given at least two days' time to response.

With these observations and directions, the revisional application is disposed of.

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

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)

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