

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 3792 of 2025

Binod Kumar Singh
Vs.
The State of West Bengal & Ors.

For the Petitioner	:	Mr. Moyukh Mukherjee, Ms. Sarmistha Basak.
For the State	:	Mr. Debasis Roy Id.PP., Mr. Arijit Ganguly, Ms. Mamata Jana.
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Heard on	:	09.09.2025
Judgement on	:	09.09.2025

Jay Sengupta, J. :

This is an application challenging a notice dated 18.08.2025 issued under Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Naihati Police Station Case No.19 of 2025 dated 31.01.2025 under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 27 of the Arms Act.

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 constrained to move this Court the third time in a row. By an order dated 13.08.2025 passed by this Court in *CRR 3335 of 2025*, this Court

disposed of the revisional application filed by the petitioner by granting liberty 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 was made clear that the petitioner shall be given at least two days' time to respond. Thereafter, a notice was issued by the Investigating Agency under Section 179 of the BNSS. But, an additional direction was mentioned in the notice that the petitioner would render his full cooperation, assistance in apprehension of an accomplice. Thus, the notice actually contains elements of Section 35(3) of the BNSS. The petitioner is ready to respond to an appropriate notice issued by the Investigating Agency.

Learned Public Prosecutor representing the State opposes the prayer. However, he submits that if a fresh notice is directed to be issued to the petitioner, he ought to respond to the same.

In view of the above, the impugned notice is set aside and the State is granted liberty again to issue an appropriate notice to the petitioner in accordance with law, within seven days from this date.

The petitioner shall be granted at least two days' time to respond the same.

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

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

(Jay Sengupta, J.)