

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present :-

The Hon'ble The Acting Chief Justice SUJOY PAUL
&
The Hon'ble Justice PARTHA SARATHI SEN

MAT 1907 OF 2025
With
IA NO. CAN 1 OF 2025

Kamal Hossain
-Vs-
The State of West Bengal & Ors.

For the Appellant:	Mr. Sabyasachi Chatterjee, Adv., Mr. Sayan Banerjee, Adv. Ms. Suparna Dutta, Adv.
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For the State:	Mr. V. Basu, Adv., Mr. S. Adak, Adv.
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Hearing concluded on:	09.12.2025
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Judgment on:	09.12.2025
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PARTHA SARATHI SEN, J. : –

1. The subject-matter of the instant appeal is the order dated 28.10.2025 as passed by the learned Single Bench in W.P.A. 24403 of 2025 whereby and whereunder the said Single Bench of this Court refused to interfere with the

notice under Section 94/179 of the B.N.S.S. as issued in favour of the petitioner, who is the appellant before us.

2. At the time of hearing, Mr. Banerjee, learned counsel appearing on behalf of the writ petitioner/appellant, at the very outset, draws our attention to the order impugned. It is submitted that on perusal of the order impugned it would reveal that by no stretch of imagination, the writ petitioner/appellant was an accused in connection with Joypur Police Station Case No.99/2025 dated 30.05.2025 under Sections 353(1) / 356/ 75/ 79 of B.N.S. and Section 67 of the I.T. Act.
3. It is thus submitted by Mr. Banerjee that since the writ petitioner is not an accused in the aforementioned P.S. case, there cannot be any justification to ask the writ petitioner to appear before the I.O. in connection with the investigation of the said P.S. case.
4. It is further submitted by Mr. Banerjee that the real apprehension of the writ petitioner/appellant, before us that the police authorities, more specifically, the I.O. of the aforementioned said P.S. case may take any coercive action against the writ petitioner.
5. It is thus submitted by Mr. Banerjee that the impugned order as well as the notice as issued under Sections 94 of B.N.S.S. and 179 of B.N.S.S. in the name of the writ petitioner by the I.O. of the aforementioned P.S. case may be set aside.
6. Such prayer of the writ petitioner/appellant was vehemently opposed by Mr. Adak, learned counsel appearing on behalf of the State.

7. It is submitted by Mr. Adak that on perusal of the notice under challenge, a copy of which has been annexed as 'Annexure – P4' vis-à-vis the order impugned, it would reveal that the writ petitioner is not an accused person in connection with the aforementioned P.S. case and he has been merely called for by the I.O. of the aforementioned P.S. case for the purpose of investigation.
8. Mr. Adak thus submitted that in absence of any illegality and infirmity in the said notice and/or in the impugned order, there cannot be any justification to interfere with the order impugned.
9. We have meticulously gone through the entire materials, as placed before us. We have also considered the rival submission of the learned counsel for the contending parties.
10. On a careful perusal of the entire materials, as placed before us, more specifically Annexure – P4 of the instant appeal being the copy of the said notice, as issued under Section 94 of the B.N.S.S. and Section 179 of the B.N.S.S. it reveals that the I.O. of the aforementioned P.S. case requested the writ petitioner/appellant to appear before him within a specified period of time to provide or cause to provide some details and documents in connection with the said case.
11. As rightly noticed by the learned Single Bench that the present writ petitioner is not an accused in connection with the P.S. case. It has also been rightly noticed by the learned Single Bench that the I.O. of the aforementioned P.S. case, in course of investigation found that some documents and/or

informations are required to be produced by the writ petitioner/appellant herein.

12. In our considered view, the I.O. of the aforementioned P.S. case has acted within his periphery in issuing the notice under challenge to the writ petitioner for the purpose of investigation of the aforementioned P.S. case and in doing so, he has not exceeded his jurisdiction, as vested by law.

13. In view of such, we thus find no cogent reason at all to interfere with the order impugned.

14. With the aforementioned observation, the instant appeal being, M.A.T. 1907 of 2025 stands dismissed.

15. Before parting with, it is, however, made clear that in the event, the present writ petitioner/appellant apprehends his detention and/or arrest in connection with the above-mentioned PS case, he is at liberty to approach the appropriate Court for ventilating his grievance.

16. With the disposal of the instant appeal CAN 1 of 2025 is also disposed of.

17. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

I agree.

(SUJOY PAUL, A.C.J.)

(PARTHA SARATHI SEN, J.)