

10.02.2026
Item No.6
Court No.37
CHC

In The High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

WPA (H) 12 of 2026

Piyush Chatterjee

Vs.

The State of West Bengal & Ors.

Mr. Malashree Ghosh, Advocate
...for the petitioner

Mr. Swapan Kumar Dutta, Ld. G.P.
Mr. Biplab Guha, Advocate
Mr. Tapas Kumar Das, Advocate
...for the State

1. Petitioner complains of illegal detention.
2. Learned advocate appearing for the petitioner submits that, the petitioner was convicted in three several criminal cases. Petitioner was arrested on September 6, 2025. The sentence imposed was for a period of four months from the date of arrest. She submits that, since four months expired from the date of arrest, the petitioner should be released.
3. Report on behalf of the State submitted in Court be taken on record.
4. State relies upon the Jail Code to contend that, since there was no direction for the three sentences to run concurrently, State is unable to release the petitioner.
5. We took the assistance of the learned Public Prosecutor, High Court, Calcutta in this matter. In response to our query, learned Public Prosecutor

draws our attention to Section 427 of the Code of Criminal Procedure, 1973, corresponding to Section 467 of the BNSS, 2023. At the same time, he submits that, petitioner should avail of his remedies before the appropriate forum.

6. Petitioner was taken into custody in respect of a criminal case, where he suffered judgment of conviction and order of sentence. There are three criminal cases where he was convicted and sentenced.
7. Custody of the petitioner *per se* cannot be said to be illegal. Right of the petitioner to approach the appropriate Court for relief exists.
8. In view of the existence of the statutory alternative remedy, we are not minded to interfere under Article 226 of the Constitution of India.
9. All points raised by the parties are kept open.
10. **WPA(H) 12 of 2026** is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)