

D/L 16
10.03.2026
ct.no.35
Kausik/Rakib

CRR 939 of 2026

**Swarup Chandra
Versus
The State of West Bengal**

Mr. Soumya Nag
Mr. Aditya Tiwari
Mr. Mayukh Majumder

...for the petitioner.

The petitioner herein has prayed for setting aside and quashing of the notice dated 21.01.2026 issued to the petitioner under Section 179 of the BNSS, 2023 in connection with Chandipur Police Station Case No. 459 of 2025 under Section 406/420/465/468/471 of the Indian Penal Code. Being aggrieved by the impugned proceeding, learned Counsel for the petitioner submits that the petitioner is not FIR named. However, in an earlier proceeding he was apprehended by the Investigating Agency on 27.06.2020 and thereafter he was released on interim bail in connection with Tamluk Police Station Case No. 375 of 2022. In the said proceeding the Investigating Agencies submitted a charge sheet on 05.08.2023. After a lapse of about 2 years, the instant criminal proceeding has been initiated on 30.12.2025 on the basis of a purported suo motu written complaint lodged by one, Asit Kumar Dhara who happens to be the Assistant Sub-Inspector of Police. The petitioner submits

that the said notice dated 21.01.2026 was served upon after the expiry of the said date through Whatsapp mentioning wrong residential address. Therefore, the petitioner apprehends that whenever he will attend the Police Station he might be arrested in connection with the instant case and accordingly he prayed for necessary protection.

Having heard the learned Counsel for the petitioner, the instant application being CRR 939 of 2026 is hereby disposed of with the direction that;

- (1) The Investigating Agency in connection with Chandipur Police Station Case No. 459 of 2025 dated 30.12.2025 under Section 406/420/465/468/471 of the Indian Penal Code will be free to issue another notice in proper address of the petitioner under Section 179 of the BNSS, if his presence and interview is required for investigation. But, in that case, the petitioner must be given at least 72 hours notice.
- (2) If at any point of time, the investigating agency proposes to accuse the petitioner of any alleged offence and proposes to implicate with the case in order to start investigation against him, the petitioner shall be served with a written show-cause notice and he shall not be arrested for a period of 10 days from service of such show-cause notice to enable him to avail of his remedies against arrest available in law.

(3) It is made clear that this Court has not entered into the merits of complaint whatsoever and the observation made herein is confined to future notice, if any, under Section 179 of the BNSS in connection with the present petitioner.

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

(Dr. Ajoy Kumar Mukherjee, J.)