

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 5057 of 2026

Sri Sanjoy Bachar
-Versus -
State of West Bengal & Ors.

Mr. Moni Sankar Chattopadhyay
Mr. Ashoke Kumar Nath
...for the petitioner

Mr. Jayanta Samanta
Mr. Keshab Chandra Das
....for the State respondents

- 1) Matter is heard in presence of learned advocates representing the petitioner and State respondents.
- 2) Based on a written complaint lodged by one Lakshmi Rani Sardar being respondent no. 4 a criminal proceeding being Matia Police Station Case No. 72/2026 dated 26th February, 2026 was registered against the petitioner under sections 318(2), 318(4), 316(2) and 3(5) of the Bharatiya Nyaya Sanhita and investigation is going on.
- 3) Similar fact is also disclosed in the communication of Inspector-in-Charge of Matia Police Station, Basirhat Police District dated 6th March, 2026 which was placed

before this Court on behalf of the State respondents and same was taken on record.

4) It is alleged that petitioner is being threatened by the Investigating Officer requiring records being called for in connection with aforesaid criminal proceeding.

5) From the submissions made on behalf of the respective parties and taking note of the communication dated 6th March, 2026, it transpires that based on the complaint lodged by the respondent no. 4 criminal proceeding was initiated and it is within the domain of the police authority to take such proceeding to its logical conclusion in consideration of the provision as contained under section 154 of the Code of Criminal Procedure, 1973 which corresponds to section 173 of Bharatiya Nagarik Suraksha Sanhita, 2023.

6) At this stage, prayer made in this writ petition directing police authority to produce records would impact the process of investigation which is found to be impermissible under section 173 of Bharatiya Nagarik Suraksha Sanhita, 2023. It is the right of the police authority to investigate alleged offence by taking appropriate steps and in this regard reliance is placed on the judgment of the Hon'ble Supreme Court reported in **(2014) 2 SCC 1 (Lalita Kumari Vs. Government of U.P. & Ors.)**.

7) However considering petitioner's apprehension of taking coercive steps by the police authority including arrest, petitioner shall be at liberty to approach the

appropriate forum under section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023.

8) With the aforesaid observation, writ petition stands
disposed of.

9) There shall be no order as to costs.

10) Urgent photostat certified copy of this order, if
applied for, be given to the parties on usual
undertaking.

(Saugata Bhattacharyya, J.)