

D/L 14
15.01.2026
Bpg.
Ct. No.5

W.P.A. No.7779 of 2025

**Subhankar Jana
Versus
The State of West Bengal & Ors.**

Mr. Sayan De
Mr. Sayan Kanjilal
Mr. Kaustuv Shome.
...for the petitioner.

Mr. Suman Sengupta
Mr. Sanatan Panja.
...for the State-respondents.

Report submitted by the State is taken on record.

The petitioner is aggrieved by the fact that in connection with the FIRs registered against him for offences wherein the prescribed punishment is less than seven years, he is being arrested without service of notice under Section 35(3) of the BNSS in compliance with the direction of the Hon'ble Supreme Court in the authority in **Arnesh Kumar Versus State of Bihar and Another** reported in **(2014) 8 SCC 273**. The petitioner seeks a direction upon the police authorities to comply with the said direction in its true letter and spirit. This Court is informed that the petitioner is on bail in connection with all the FIRs lodged against him.

Upon consideration of the submission made on behalf of the parties, this Court holds that by an order passed on 23rd April, 2025 the police authorities were directed to first serve notice under Section 35(3) of the BNSS upon the accused and thereafter proceed in accordance with law in case of FIRs registered for offences punishable for a period of less than seven years.

The police authorities are directed to comply with the said order as well as the direction of the Hon'ble Supreme Court in the authority in **Arnesh Kumar** (supra) strictly. In the event of violation of the same, the petitioner shall be at liberty to approach the appropriate forum for necessary directions.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)