02. 06.10.2026
(D/L) CT. NO. 05
(ARPAN-A.R.CT.)

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 22131 OF 2026

TANMOY AUDHYA
VS.
STATE OF WEST BENGAL AND OTHERS

.....

Mr. Ranojoy Chatterjee, Adv.
Mr. Swarnajit Das, Adv.

... *For Petitioner*

Ms. Soma Chakraborty, Adv.
Mr. Sourav Halder, Adv.

... *For State*

1. Affidavit-of-service filed on behalf of petitioner is taken on record.

2. By presenting this writ petition a declaration is sought for to the extent that petitioner's father Mrityunjay Audhya was illegally arrested by the concerned police authority. A case is made out in this writ petition for initiating proceedings against police officials who arrested petitioner's father being respondent no.6 and for illegal detention compensation needs to be paid to respondent no.6.

3. State respondents are represented by learned advocate who has filed a communication dated 1st September, 2026 of Inspector-in-Charge, Raniganj Police Station and same is taken on record.

4. It is disclosed in the said communication that a complaint was lodged on 20th July, 2026 by one Bulbul Audhya making certain allegations to the extent that though complainant's share of property was transferred to her elder brother being petitioner's father for ensuing her livelihood and stay at the premises in question but after transfer of share complainant found that she was deceived. Complaint

dated 20th July, 2026 gave rise to a criminal prosecution being Raniganj Police Station Case No.294 of 2026 dated 20th July, 2026 under certain provisions of BNS.

5. In connection with aforesaid criminal prosecution respondent no.6 was arrested. It is further disclosed in the communication that a notice was issued under Section 35(3) of BNSS to respondent no.6 but same was not complied with requiring his arrest on 9th August, 2026.

6. However, it is submitted by learned advocate representing petitioner that petitioner's father has obtained bail.

7. Since while investigating aforesaid criminal prosecution petitioner's father was arrested due to non-compliance of notice under Section 35(3) of BNSS, no order need be passed by declaring the arrest made by the concerned police authority illegal.

8. Concerned police authorities are at liberty to investigate the case and submit report/ charge-sheet before the jurisdictional Magistrate at an early date.

9. Writ petition stands dismissed.

10. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)