

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL SPECIAL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**CRLCP/24/2025
SMT. TAPASI BHATTACHARYA
VS
SRI SATYAJIT KARMAKAR, INSPECTOR OF POLICE
KALIGHAT POLICE STATION AND ANR**

For the Petitioner : Mr. Iqbal Hossain, Advocate

*For the alleged contemnors : Mr. Debasish Roy, Ld. PP
Mr. Vivekananda Bose, Ld. Jr. Standing counsel*

Heard & Judgment on: February 4, 2026

Debangsu Basak, J.

1. Petitioner complains of violation of the mandatory directions of the Hon'ble Supreme Court in **(2014) 8 SCC 273 [Arnesh Kumar vs. State of Bihar & Anr.]**
2. Learned advocate appearing for the petitioner submits that, a police complaint, *inter alia*, under Section 120/406/120B of the Indian Penal Code, 1860 was registered as against the petitioner on January 17, 2025. Petitioner received a notice under Section 41(1A) of the Criminal

Procedure Code on July 18, 2025. Petitioner attended the Investigating Officer pursuant to such notice on July 19, 2025, being the date of appearance fixed by such notice. Thereafter, a second notice was issued on July 19, 2025 on the petitioner requiring the petitioner to attend on a subsequent date. Since the petitioner was unwell on the subsequent date, a petition for adjournment was submitted through a near relative. The petitioner was not made aware of the result of such adjournment petition.

3. Learned advocate appearing for the petitioner submits that, application for anticipatory bail of the petitioner stood rejected on August 7, 2025. Petitioner was, thereafter, arrested on August 18, 2025.
4. Learned advocate appearing for the petitioner submits that, the direction in **Arnesh Kumar (supra)** requiring the Investigating Officer to issue a notice within 15 days from the lodgment of the FIR was not followed. Moreover, such directions required only one notice to be issued. In the facts of the present case, although the police complaint was registered on January 17, 2025, the first notice under Section 41(1A) of the Code was issued on July 18, 2025 which is beyond a period of 15 days. Moreover, a second notice was issued.
5. Learned Public Prosecutor appearing for the alleged contemnors submits that, the subsequent to the petitioner being arrested, the jurisdictional Magistrate passed an order dated August 19, 2025 where,

subjective satisfaction of the learned Magistrate as to the compliance with regard to the arrest procedure as also non-violation of the rights guaranteed under Article 22 of the Constitution of India were noted. He submits that, the petitioner did not assail such order dated August 19, 2025 at any forum. Therefore, the petitioner should not be allowed to urge points raised before Court.

6. **Arnesh Kumar (supra)** issued various directions modulating the arrest of an accused in a criminal case.
7. One of the directions issued is issuance of a notice prior to an arrest. In the facts of the present case, a notice was issued on July 18, 2025 to the petitioner. Petitioner responded to such notice and appeared before the Investigating Officer on July 19, 2025. Further notice was issued for appearance on the next date. Petitioner did not appear on the next date on the ostensible plea of not being well.
8. Petitioner, however, proceeded to apply for anticipatory bail which was rejected by an order dated August 7, 2025. Petitioner was arrested on August 19, 2025. Petitioner was produced before the jurisdictional Magistrate on August 19, 2025 itself when by an order, the jurisdictional Magistrate found that the arrest procedure was in accordance with law and that, no rights guaranteed under Article 22 of the Constitution of India were infringed.

9. The order dated August 19, 2025 remains unchallenged by the petitioner.

10. In the facts of the present case, we do not find that there is a wilful or deliberate violation of the directions of **Arnesh Kumar (supra)** warranting invocation of Article 215 of the Constitution of India or Contempt of Courts Act, 1971.

11. CRLCP/24/2025 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

12. I agree

(Md. Shabbar Rashidi, J.)