

Sl. No.58
11.06.2026
Suman
Ct. 237

CRR 2240 of 2026

Abhishek Banerjee
Vs.
The State of West Bengal

Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Agnish Basu
Mr. Vipul Vedant
Mr. Gourav Bose
..for the petitioner

Mr. Rajdeep Mazumder, AAG
Mr. Kallol Mondal, PP
Mr. Moyukh Mukherjee
Mr. Pritam Roy
..for the State

The petitioner is the National General Secretary of the political party presently in opposition in the State. He challenges three notices dated May 30, 2026, June 1, 2026, and June 8, 2026, issued under Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS").

The notices were issued in connection with Hare Street Police Station Case No. 98 of 2026 dated May 27, 2026, registered under Sections 318(4), 336(2), 336(3), 338, 340(2), and 61(2) of the Bharatiya Nyaya Sanhita, on the basis of a complaint lodged by the Principal Secretary of the West Bengal Legislative Assembly. The complaint alleges that a resolution dated May 6, 2026, was forwarded to the Hon'ble Speaker of the Assembly nominating the Leader of the

Opposition, although no such resolution had, in fact, been adopted.

Mr. Ayan Bhattacharjee, learned Senior Advocate appearing for the petitioner, submits that a notice issued under Section 179 of the BNSS cannot require a person to produce documents. However, he further submits before this Court that, irrespective of his challenge to the legality and propriety of the aforesaid notices, the petitioner is willing to cooperate with the investigation and shall appear before the Investigating Agency as and when required.

Mr. Rajdeep Mazumder, learned Additional Advocate General, vehemently opposes the petitioner's prayer. It is submitted that, in response to the notice issued by the Investigating Agency, the petitioner categorically informed the Agency that the original resolution book was not in his possession.

Mr. Mazumder contends that such a plea is wholly untenable, particularly when it is the petitioner who forwarded the photocopy of the alleged resolution.

It is further submitted by Mr. Mazumder that, since the petitioner has declined to produce the original resolution book, custodial interrogation has become necessary for the purpose of securing the original document. According to him, unless the original resolution is recovered, the investigation is likely to be seriously prejudiced.

This Court is of the considered view that, notwithstanding the fact that the petitioner is a named accused in the FIR, the Investigating Agency initially deemed it appropriate to issue a notice under Section 179 of the BNSS requiring his appearance. It is also a matter of record that the petitioner did not appear before the Investigating Agency pursuant to the said notice and instead sought time. Thereafter, two further notices under the same provision were issued, as noted hereinabove, directing him to appear before the Agency.

This Court is further of the view that, for the purpose of securing or recovering any document relevant to the investigation, the Investigating Agency remains at liberty to resort to search and seizure or to adopt any other measure permissible in law. The petitioner, however, cannot be compelled to be a witness against himself. Having regard to the petitioner's unequivocal undertaking that he shall make himself available for interrogation by the Investigating Agency as and when required, this Court is inclined to pass the following interim order:

(a) The petitioner shall present himself before the Investigating Agency today by 6:00 p.m. The Investigating Agency shall be at liberty to interrogate the petitioner in accordance with law. The petitioner shall fully cooperate with the investigation.

(b) In the event the petitioner's further presence is required, the Investigating Agency shall issue at least forty-eight hours' prior notice to the petitioner. The petitioner shall thereafter appear before the Investigating Agency as and when required.

(c) The Investigating Agency shall not take any coercive steps against the petitioner for a period of three weeks from date.

List this matter after two weeks under the same heading. The Investigating Agency shall file a report on the next date of hearing.

(Kausik Chanda, J.)