

06.05.2026

Sl. No.36.

D/L.

Mithun.

Ct.No.29.

CRR/1369/2026

Sagnik Kar

Vs.

The State of West Bengal & Anr.

Mr. Amitabha Ghosh,
Mrs. Debolina Sarkar Mukherjee,
Mr. Rajnil Mukherjee

...for the petitioners

The case originates from a complaint by opposite party no.2 alleging harassment, abusive communication, and sharing of private photographs by the petitioner.

Being aggrieved by the impugned proceeding, learned Counsel for the petitioner submits that even if FIR and the materials collected during investigation are taken at their face value, no ingredients of Section 79 of the BNS are satisfied. No credible evidence or forensic report substantiating the claims has been collected during investigation. The seizure of the petitioner's mobile phone only in absence of any corresponding forensic analysis or digital evidence showing transmission or circulation of any objectionable material is of no evidentiary value and cannot by itself sustain the continuation of criminal proceeding under the said provision.

Learned Court below had taken cognizance upon the offence mechanically without considering that there was admitted relationship between the parties.

In view of available materials so far collected during investigation, there is hardly any chance of conviction of the petitioner at the end of trial and, therefore, he prayed for quashment of the impugned proceeding.

Having heard learned Counsel for the petitioner, the application is admitted.

Petitioner is directed to serve a copy of application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon opposite party no.2 through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter be listed in the Monthly List of July, 2026.

Learned Counsel for the petitioners also prays for stay of the impugned proceeding.

Having heard learned Counsel for the petitioner and that the petitioner has made out an arguable case which requires adjudication on merit, let the impugned proceeding being G.R. Case No.378 of 2025 presently pending before learned Additional Chief Judicial Magistrate, Bidhannagar be hereby stayed for a period of 12 weeks or until further order, whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)