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CRR 3422 of 2025

**Tirtharaj Sur & Ors.
Vs.
The State of West Bengal**

Mr. Prasad Bhattacharyya ...for the Petitioners

The petitioners herein have challenged the impugned proceeding being G.R. case no. 1339 of 2021 under Section 188/269/270 of the IPC read with Section 51 of the Disaster Management Act, 2005, presently pending before the learned Chief Judicial Magistrate, Bidhannagar.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioners submits that the allegation levelled against the petitioners is that on 30th October, 2021 at about 21.45 hours, the present petitioners were found moving by violating COVID curfew restrictions imposed by the Government notification, which restricted movement between 11 P.M. and 5 A.M. He further submits that the FIR discloses that the petitioners' arrest was well before curfew hours and therefore, no offence has been made out against them. However, after making perfunctory investigation, the prosecution has submitted charge-sheet without having any incriminating materials against the petitioners. The entire proceeding is baseless and if allowed to be continued, it would be abuse the process of the court.

Having heard learned counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of the application upon the State through the office of Public Prosecutor, High Court, Calcutta.

Let the matter appear on 27th April, 2026 under the heading **“To Be Mentioned”**.

Learned counsel for the petitioners also prays for interim relief.

Having heard learned counsel for the petitioners and that the petitioners have made out an arguable case, which requires adjudication on merit, let all further proceedings being G.R. case no. 1339 of 2021, presently pending before the learned Chief Judicial Magistrate, Bidhannagar be stayed for a period of eight weeks or until further order, whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)