

22.06.2021  
Ct No. 35  
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IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION

**C.R.R. 1347 of 2021**  
**(Via Video Conference)**

**Bennett Coleman & Company Limited**

**-Vs-**

**The State of West Bengal & Anr,**

Mr. Debasis Roy,  
Mr. Sandipan Ganguly,  
Mr. L. Vishal Kumar,

... for the petitioner

Mr. Kishore Dutta,  
Mr. Saswata Gopal Mukherjee,  
Mr. Ranabir Roy Chowdhury,

... for the State

Mr. Sabyasachi Banerjee,  
Mr. Sanjay Basu,  
Mr. Soumen Mahanty,  
Mr. Agnish Basu,

... for the opposite party No. 2

The petitioner in this case prays for quashing of the proceeding being C.G.R. Case No. 1030 of 2021 pending before the Court of learned Chief Judicial Magistrate, at Alipore, South 24 Parganas under Sections 171G/466/ 469/474/ 500/501 /504/120B of the Indian Penal Code.

It appears that a notice under Section 41A of the Code of Criminal Procedure was issued against Mr. Rahul Shivshankar Editor-in-Chief, "Times Now" news channel. Mr. Roy, learned advocate for the petitioner, submits that the allegations made in

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the complaint, at the behest of the de facto complainant, do not constitute offences under the aforesaid sections. He says that the nature of the complaint itself makes it clear that no criminal proceeding could be initiated on the basis of such a complaint. He relies upon a judgement reported at 2020 SCC OnLine SC 881 (Roshni Biswas – Vs. State of W.B & Anr.) and the orders passed in C.R.M. 4725 of 2020 (Savita Devi Mall & Anr. Vs. State of West Bengal) and CRR 1345 of 2021 (Mithun Chakraborty Vs. The State of West Bengal & Ors.). He urges that in those cases interim orders were passed to enable the person, against whom a notice under Section 41A of the Code of Criminal Procedure was issued, to respond through video conference.

Mr. Kishore Dutta, learned Advocate General appears for the State. According to him, the allegations made in the complaint on its face discloses ingredients of the alleged offences and as such, the criminal proceedings cannot be quashed at this stage. Mr. Dutta further attempts to distinguish the judgment reported at 2020 SCC OnLine SC 881 on the ground that in that case, the Supreme Court dealt with an interim order and as such, the said case has no binding effect. It has been argued that the Supreme Court in that case took note of the fact that there was no normal life during the pandemic situation and in view of that, the Supreme Court passed the order. It has been submitted by Mr. Dutta that the said judgment of the Supreme Court was passed in specific facts of the case. Lastly, it has been argued by Mr. Dutta that the petitioner in this case is a company whereas the notice has been issued against an individual being the Editor-

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in-Chief of the news channel. He questions the maintainability of the present petition.

Mr. Banerjee, learned advocate for the defacto complainant raises the question of maintainability of the petition.

At this stage, this Court is concerned with the progress of the investigation. Normalcy in the country is yet to be restored. Interest of justice will be subserved, if Mr. Rahul Shivshankar, against whom the notice under Section 41A of the Code of Criminal Procedure has been issued, is directed to co-operate with the investigation.

Mr. Rahul Shivshankar is permitted to respond to the notice issued under Section 41A of the Code of Criminal Procedure via Video Conference.

It will also be open to the investigating agency to meet Rahul Shivshankar at Delhi giving 48 hours prior notice for the purpose of investigation.

Let this matter appear under the same heading after four weeks.

Liberty is given to the petitioner to mention this matter before this Court if it is aggrieved by any steps taken by the instigating agency in the meantime.

The question of maintainability of the application is kept open.

(Kausik Chanda, J.)