

24.09.2026
13 Court No. 05
(DL) (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 24272 of 2026

Ishani Datta Ray & Anr.

-Versus -

The State of West Bengal & Ors.

Mr. S.N. Mookherjee, Sr. Adv.
Mr. Sandipan Ganguly, Sr. Adv.
Mr. Arunabha Deb, Adv.
Mr. Deepan Kr. Sarkar, Adv.
Ms. Ashika Daga, Adv.
Mr. Matri Prasad Das, Adv.
Ms. Sampurna Mukherjee, Adv.
.....for the petitioners

Mr. Rajdeep Mazumder, Ld. AAG
Mr. Moyukh Mukherjee, Adv.
Mr. Sayan Mukherjee, Adv.
...for the State respondents

- 1) Affidavit of service filed on behalf of petitioners is taken on record.
- 2) Two journalists out of which one is also the editor of Anandabazar Patrika have jointly approached this Court, *inter alia*, questioning propriety of FIR being Bowbazar Police Station Case No. 180 of 2026 dated 28th August, 2026 which has its genesis in complaint dated 27th August, 2026.
- 3) By lodging complaint dated 27th August, 2026, it was alleged before concerned police authority that use of expression in heading of a news item “*Gerua Gundam*” (“Saffron Hooliganism”) as it was published

in 21st August, 2026 edition of Anandabazar Patrika hurts Hindu sentiment due to use of connotation “*Gerua*” (“Saffron”).

4) It appears from submissions made on behalf of parties that investigation is going on in connection with aforesaid criminal prosecution and prayer is made on behalf of petitioners for protecting them from impending coercive steps, if taken by concerned police authorities. It is also found from submissions made on behalf of parties that by this time notices under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 have been issued and those notices have been complied with by petitioners. Furthermore, it appears that sections which are incorporated in aforesaid criminal prosecution prescribe punishment of less than seven years imprisonment.

5) In view of provisions as contained under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and taking note of compliance of notices issued under Section 35(3), petitioners are entitled to get protection envisaged thereunder.

6) In addition thereto, Mr. Mookherjee, learned Senior Advocate representing petitioners has placed before this Court Section 196 of the Bharatiya Nyaya Sanhita, 2023 in order to satisfy this Court that taking note of contents of complaint dated 27th August, 2026 said provision may not be attracted.

7) At this stage, Court is not required to enter into this issue taking note of facts involved in this case emanating from complaint dated 27th August, 2026 whether Section 196 of the Bharatiya Nyaya Sanhita, 2023 is attracted or not. It will be within the domain of investigating agency to take steps in accordance with law for completing investigation.

8) However, concerned police authorities are directed not to take coercive steps against petitioners till 15th December, 2026 or until further order, whichever is earlier. Petitioners shall cooperate with the investigation and shall comply with the notices, if issued in future in connection with aforesaid criminal prosecution.

9) In the event petitioners do not cooperate with the investigating agency, leave is granted to State respondents to bring it to the notice of the Court by filing appropriate application seeking variation or vacation of this order.

10) Since complainant has not been made party, leave is granted to learned advocate representing petitioners to amend cause-title of writ petition and add complainant as additional respondent by tomorrow, 25th September, 2026. Notice enclosing copy of amended writ petition and order passed today shall be served upon additional respondent by seven days from date and further affidavit of service shall be filed on the next date.

11) List the matter under the same heading for further consideration on 1st December, 2026.

12) It needs to be recorded herein that till date complainant has not been made party to this writ petition and service of notice has not been effected upon complainant but taking note of submission made on behalf of State respondents that custodial interrogation of petitioners is not required, aforesaid order is passed.

(Saugata Bhattacharyya, J.)