

03.05.2023

Sl. No.28.

M/L.

Mithun.

Ct.No.42.

CRR/785/2023

Souvik Banerjee

Vs.

The State of West Bengal & Anr.

Mr. Krishnendu Bhattacharya, Adv.

Mr. Loknath Chatterjee, Adv.

Mr. Priyankar Ganguly, Adv.

...for the petitioner.

The petitioner has approached this Court for quashing of the criminal proceeding being Nabadwip Police Station Case No.06 of 2023 dated 3rd January, 2023 under Sections 448/341/506/186/120B/34 with added section 353 of the Indian Penal Code pending before the learned Judicial Magistrate, Nabadwip, Nadia.

It is alleged by the petitioner that the Executive Officer of Nabadwip Municipality lodged a written complaint against the petitioner and seven others who are working as journalists on different Print and Electronic Media for spreading wrong and false information against the worker of Nabadwip Municipality.

It is submitted on behalf of the petitioner that the petitioner published the news item against Nabadwip Municipality alleging, *inter alia*, that the Municipality was supplying drinking water in lieu of money. It is further submitted by the learned Advocate for the petitioner that the said news item may be true or false. The

Authorized Journalist has every right to publish a news item collected by them from various sources. However, for the act of a journalist, he cannot be prosecuted in a criminal trial.

The instant revision be admitted.

Petitioner is directed to serve notice upon the private opposite party under registered speed post with acknowledgment due and file affidavit of service within three weeks from the date of this order.

The State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

In the meantime, though the Investigating Officer is permitted to proceed with the investigation, he shall not take any coercive step against the petitioner till 31st July, 2023.

(Bibek Chaudhuri, J.)