

14.09.2021
Ct. No. 29
sdas
2

CRR No. 602 of 2006

In Re : An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

and

In Re : Smt. Alpana Biswas petitioner

Mr. Bidyut Kumar Roy, Sr. Govt. Adv.

Mr. Ashok Das

.... for the State

This criminal revisional application is listed today for hearing.

On call none appears for the petitioner.

Mr. Roy, learned senior Government advocate and Mr. Das, learned advocate represent the State in this case. Concerned authority is directed to regularise their appointments in this case.

Peruse the application under Sections 401 and 482 of the Code of Criminal Procedure, 1973.

The criminal revision has been filed by the petitioner/wife being aggrieved and dissatisfied with the orders dated 25.11.2005 and 23.12.2005 passed by the learned Chief Judicial Magistrate, Paschim Midnapore in KGP(L) P.S. Case No. 266 of 2005 dated 22.10.2005 under Sections 498A/406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961.

The contention of the petitioner/wife in her application for criminal revision is that her husband, Biswanath Biswas, an employee of South Eastern Railway, married her on 05.02.1996 and subjected her to torture of demand of dowry. On the basis of her complaint, KGP(L) P.S. Case No. 266 of 2005 dated 22.10.2005 under Sections 498A/406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961 has been registered against the husband and other in-laws. The petitioner, on 23.12.2005, as defacto complainant filed a petition for recovery of her belongings and gold ornaments lying with her husband but learned Magistrate did not allow her prayer, on the contrary, confirmed the bail of her husband. The petitioner, in her application, has prayed for necessary direction upon the learned Magistrate for handing over the recovered article belonging to her and for stay of the further proceedings of KGP(L) P.S. Case No. 266 of 2005.

Learned Prosecutor appearing for the State submits that this is a very old case of the year, 2006 and there is no valid reason for interfering with the impugned order passed by the learned Chief Judicial Magistrate, Paschim Midnapore in connection with this case.

Considered the submission made by the learned Prosecutor appearing for the State.

Peruse the application for criminal revision and the impugned orders passed by the learned Chief Judicial Magistrate, Paschim Midnapore.

It appears that by the said orders learned Chief Judicial Magistrate, Paschim Midnapore, has granted bail to an accused person and has, thereafter, confirmed his bail. There is no whisper in those impugned orders regarding preventing the petitioner from filing any application for recovery of her personal belongings or any refusal of such prayer.

I find no reason to interfere with the impugned orders passed by the learned Chief Judicial Magistrate, Paschim Midnapore.

The criminal revisional application is, thus, dismissed on merit.

Let a copy of this order be sent to the court of the learned Chief Judicial Magistrate, Paschim Midnapore, for necessary information with a direction to conclude the trial of the case if it is pending.

Urgent photostat certified copy of this order, if applied for, be supplied to the applicant expeditiously after complying with all necessary formalities.

(Ananda Kumar Mukherjee, J.)