

Item No.6
Ct.No.34
dc.

C.R.R. 2986 of 2011
(Via Video Conference)

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

The present revisional application was preferred challenging the investigational proceedings arising out of Bhaktinagar P.S. Case No. 902 of 2010 dated 23.08.2010 (G.R. Case No. 3120/10) under Sections 498A/494 of the Indian Penal Code.

At the time of admission of the revisional application on 16.11.2011, a co-ordinate Bench of this Court was pleased to direct the petitioner to effect service upon the opposite parties and also passed an interim order thereby directing that in case, the final report under Section 173 of the Code of Criminal Procedure has not been submitted, then in that case, the investigation would continue but such report will not be submitted without the leave of this Court.

Having regard to the fact that the progress of the present stage of the case has not been apprised to this Court, when the revisional application has been taken up today, I am of the view that since the investigation is relating to a

matrimonial dispute, the proceedings should continue. Further, the issues, which have been raised in this revisional application, are question of facts. Thus, no interference is called for.

The investigating agency is directed to submit charge-sheet/report under Section 173 of the Code of Criminal Procedure, if the same has not yet been submitted.

The jurisdictional Magistrate is directed to proceed with the case and take the same to its logical conclusion after invoking appropriate provisions of law.

With the aforesaid directions, the revisional application being CRR 2986 of 2011 is dismissed.

Interim order, if any, is hereby vacated.

All pending applications, if any, are consequently disposed of.

Department is directed to communicate this order to the learned court below within a period of seven days from date.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)