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August
25, 2021
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C.R.R. No.2851 of 2018
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure.

Niranjana Roy
Versus
The State of West Bengal and Anr.

Mr. Malay Bhattacharyya,
Mr. Subhrajyoti Ghosh.
...for the petitioner.

Mr. Masum Ali Sardar.
...for the opposite party no.2/wife.

Mr. Saswata Gopal Mukherjee,
Mr. Imran Ali,
Ms. Debjani Sahu.
...for the State.

Supplementary affidavit filed on behalf of the petitioner be kept with the record.

Learned advocate for the petitioner is aggrieved by the continuance of the proceedings relating to Raiganj Women Police Station Case No.46/2018 dated 26.06.2018.

Records reflect that the case was initiated under Sections 498A/307 of Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

On completion of investigation, the police authority has submitted charge-sheet under Section 498A of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

Apart from the complaint, there are four other witnesses.

I have perused the statements of the witnesses which has been recorded by the Investing Officer of the case and I am of the opinion that so far as the allegations under the relevant Section for which the charge-sheet has been submitted, there are materials to proceed with the case.

Learned advocate for the petitioner also raises question regarding the jurisdiction of the case, as according to the learned advocate, the incident happened within the jurisdiction of Paschim Medinipore Police Station in the police quarters.

Having regard to the fact that there was demand for dowry, I am of the view that the same is continuing offence and, as such, no interference is called for by this Court at this stage.

It has been submitted that the date has been fixed by the learned court below for consideration of charge.

Learned Magistrate would be at liberty to consider the charges without being influenced by any of the observations made by this Court.

With the aforesaid observations, CRR 2851 of 2018 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)