

06.08.2021

Item no.1

Ct. No.34

CHC

C.R.R. No.3755 of 2018

(Via Video Conference)

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

AND

In the matter of:-

Sujit Kabiraj & ors.

... petitioners

Mr. Anujit Mookherjee,
Mr. Monotosh Ghosh,
Mr. Shakti Chakraborty

....for the petitioners

Mr. Imran Ali,
Mrs. Debjani Sahu

...for the State

Mr. Supriyo Chattopadhyay,
Mr. Samarendra Dhara,
Ms. Saswati Adhikary

...for the opposite party no.2

Learned advocate appears on behalf of the petitioners submits that the present case has been initiated against the petitioners out of a matrimonial discord and on the basis of evidence which are not tenable in law.

Learned advocate submits that all the witnesses who have been referred to in the chargesheet were staying away from the place of occurrence and under no circumstances would have any knowledge regarding the incidents complained of.

According to the learned advocate, the sister-in-law is married and she is staying at a different premises and address.

Mr. Ali, learned advocate appearing for the State has produced the Case Diary.

I have perused the letter of complaint as well as the statements of the witnesses. In this case, chargesheet has been submitted under Sections 498A/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. On assessment of the materials, which have been collected and the grievance agitated by the petitioners, I am of the view that the contentions so advanced are at a premature stage when date has been fixed for consideration of charge. At this stage, I am of the view that no interference is called for by this Court but the petitioners will be at liberty to agitate the points canvassed in this revisional application as also other points which they deem fit and proper at the stage of consideration of charge.

Petitioners are granted liberty to prefer an application under Section 239 of the Code of Criminal Procedure. In case, such an application is filed before the learned jurisdictional court, the same should be disposed of within a period of two months from date.

Learned court is directed that if after considering the application under Section 239 of the Code of Criminal Procedure, the learned court is of the opinion that the case should progress and in that case all the efforts must be made to arrive at its logical conclusion within a reasonable period of time.

With the aforesaid observations, the revisional application being C.R.R.3755 of 2018 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The Investigating Officer of this case is present. His further appearance before this Court is dispensed however, with caution that he must be serious while submitting the chargesheet.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)