

28.09.2022  
S/L No.24  
KS

**C.R.R. 27 of 2021**  
**Chandan Mahanto & Anr.**  
**-Vs.-**  
**The State of West Bengal & Anr.**

Mr. Pawan Kumar Gupta  
Ms. Sofia Nesar  
Mr. Santanu Sett

..... For the Petitioners

Mr. Saswata Gopal Mukherjee, Ld. P.P.  
Mr. Faria Hossain  
Mr. Aniket Mitra

.....For the State

Mr. Gupta, learned advocate appearing for the petitioners challenges the continuance of the proceedings arising out of Tamluk Police Station Case No.353 of 2019 dated 04.07.2019 wherein charge-sheet has been filed before the Jurisdictional Court. Learned advocate submits that the present petitioners are the permanent residents of Mumbai. They are the elder brother-in-law and wife of the elder brother-in-law. According to the learned advocate there was no possibility of any infliction of physical torture upon the complainant as they could not have been present and the complainant has not specified any date on which such torture was inflicted upon her. The allegations are vague in order to rope in the present petitioners who had nothing to do with the matrimonial life of the younger brother of petitioner no.1.

Mrs. Faria Hossain, learned advocate appearing for the State has produced the Case Diary and drawn attention of the Court to the subsequent statement of the victim being recorded by the Investigating

Officer of the case which has been relied upon by the prosecution. Learned advocate submits that there are other materials also appearing in the record so far as the present petitioners are concerned. In course of hearing, Mr. Gupta, learned advocate appearing for the petitioners has relied upon the judgment of the Hon'ble Apex Court delivered in *Preeti Gupta & Anr. -Vs.- State of Jharkhand & Anr.* reported in 2010 (7) SCC 667.

I have considered the stage of the case and I find that the petitioners are yet to receive copies under Section 207 of the Code of Criminal Procedure and, as such, I am not aware regarding the allegations against them so far as the prosecution case is concerned.

Having regard to the submissions so advanced on behalf of the petitioners and the materials appearing in the Case Diary, I am of the view that the revisional application is premature. Petitioners are granted liberty to canvass the points which have been advanced in the present revisional application at the stage of consideration of charges. Petitioners would also be at liberty to place proper proof of documents regarding their permanent place of employment as also their availability at the time of the alleged offence. Learned Trial Court would consider the documents alongwith the settled proposition of law and arrive at its finding as to whether charges should be framed or not framed against the present petitioners.

With the aforesaid observations, C.R.R. 27 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

**(Tirthankar Ghosh, J.)**