

**C.R.R. 94 of 2021**

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 arising out of Khejuri Police Station Case No. 10/2014 dated 14.01.2014 under Sections 498A/494/302/201/120B of the Indian Penal Code, 1860 read with Section 4 of the Dowry Prohibition Act, 1961.

**Utpal Kumar Das  
-Versus-  
The State of West Bengal & Anr.**

Mr. Soumik Ganguly, Adv.

...for the petitioner.

Mr. Md. Anwar Hossain, Adv.,  
Mrs. Benajir Hasna, Adv.

...for the State.

Mr. Soumik Ganguly, learned Advocate appearing for the petitioner submits that the petitioner is a student who is suffering because of a case which has been foisted upon him for wrecking vengeance. Learned Advocate submits that although the charge-sheet has been submitted wherein in the “brief facts of the case” there are reference to injury reports but no injury report has been reflected in the materials collected by the Investigating Agency. It has also been submitted that the petitioner’s role was not specifically mentioned in the report and/or complaint addressed to the concerned Inspector-in-Charge for registration of the case. It has also been stressed that the delay in lodging the F.I.R., the case if considered from the angle of matrimonial dispute and the marriage being solemnized more than 26/27 years ago, the same would call for interference by this Court

Mr. Anwar Hossain, learned Advocate appearing for the State produces the case diary and submits that the case complained of is of unique nature and *prima facie* there are involvement of the present petitioner particularly with respect to removal of evidence.

I have considered the submissions advanced by the petitioner as well as that of the State. On an appreciation of the contention so advanced, I am of the view that the petitioner till date is not aware regarding what evidence has been collected by the Prosecution and the documents on which they would rely upon under Section 207 is yet to be supplied to him.

Having regard to the subject-matter of challenge limited to the charge-sheet which is also integral part of consideration at a stage when the investigation has concluded, I am of the opinion that in the fitness of circumstances, the learned Sessions Court be granted liberty to consider the issue raised by the petitioner at the stage of consideration of the charges.

Needless to say that this Court has not gone into the merits regarding the complicity of the petitioner in the instant case but only restricted its parameter to the disposal of the present revisional application. If there be any application in the nature of Sections 227/228, Cr.P.C. preferred by the petitioner, the learned trial Court would dispose of the same as expeditiously as possible and after recording regarding the complicity of the petitioner as would be evident from the Prosecution case.

With the aforesaid observations, C.R.R. 94 of 2021 is disposed of. Pending application, if any, is consequently disposed of.

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

**(Tirthankar Ghosh, J.)**