

02.05. 2022
item No.15
n.b.
ct. no. 34

CRR 897 of 2022

**Anirban Deb & Ors.
Vs.
The State of West Bengal & Anr.**

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

Mr. Dipanjan Chatterjee,
Ms. Sumita Sarkar,
Ms. Swarnali Bera,
Ms. Soma Das.
.....for the opposite party no.2.

Mr. S. G. Mukherjee, P.P.
Mr. Arijit Ganguly,
Ms. Debjani Sahu
... for the State.

The revisional application has been preferred by the petitioner challenging the proceedings arising out of Sarsuna Police Station Case No. 139 of 2020 dated 25.11.2020 under Sections 498A/406/323/506(ii)/34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

The Investigating Agency on conclusion of investigation submitted charge sheet under Sections 498A/323/506(ii)/34 of the Indian Penal Code. The complaint of the case reflects that the present petitioners namely, Anirban Deb, Achintya Dev, Santwana Dev happened to be the son in law and parents of the son in law. In view of the nature of the allegations made by the complainant, I

am of the opinion that no case under Section 498A of the Indian Penal Code is made out against these three petitioners.

So far the allegations under Sections 323/506(ii)/34 of the Indian Penal Code are concerned the Learned Jurisdictional Court is directed to consider their applicability in respect of the aforesaid offences provided an application under Section 239 of the Code of Criminal Procedure is preferred before the Trial Court at the appropriate stage.

It is made clear that this Court has not gone into the merits of the contention regarding the aforesaid offences but only considered the applicability of Section 498A of the Indian Penal Code in respect of the petitioners. Consequently, subsequent proceedings till the issues are considered by the Learned Magistrate at the stage of consideration of charge, the proceedings against the petitioners would be restricted to Sections 323/506(ii)/34 of the Indian Penal Code.

Accordingly, CRR 897 of 2022 is partly allowed.

Learned Magistrate is directed to proceed with the case in accordance with directions given above.

All pending connected applications, if any, are 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.)