

12.04.2022
Court No.13
Item No.24
AP

WPA 5361 of 2022

Gayatri Sarkar
Vs.
The State of West Bengal and Ors.
(Through Video Conference)

Mr. Manoj Kr. Ghosh
Mr. D. Ganguly
Mr. Aranya Saha
Mr. R. Chakraborty

... For the Petitioner.

Mr. Ashim Kr. Ganguly
Mr. Bellal Shaikh

... For the State.

Mr. Amarta Ghose
Ms. Rituparna De Ghose
Mr. Siddhartha Paul

... For the Respondent No.5.

Supplementary affidavit filed by the petitioner is taken on record.

The petitioner is aggrieved by a notice under Section 91 of the CrPC. It is submitted that the said notice is, in fact, a rouse for the police to raid her premises even without orders of magistrate and under the tune and instructions of the private respondent no. 5.

Counsel for the private respondent submits that the police is authorized to issue notice under Section 91 of the CrPC to an accused even for the purpose of requiring production of articles and documents, since the offences disclose in the complaint filed by the private respondent are cognizable.

This Court does not wish to enter into the controversy for the time being, except that the private respondent shall indicate in writing to the petitioner, where her stridhan articles are located, after making a list of the same.

The petitioner shall hand over the same to the private respondent wife at a place to be decided by the police, except the petitioner's residence.

This order is passed strictly without prejudice to the rights and contentions of the parties under the law, and without any interference with the interim order passed in the pending civil suit being Title Suit No.533 of 2021 before the Civil Judge (Senior Division), 3rd Court, Howrah.

Report in the form of instructions dated 30th March 2022 filed by the Inspector of Police, Chatterjeehat Police Station is taken on record.

Since the respondents have not used any affidavits, the allegations made in the writ petition shall not be deemed to have been admitted by them.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)