

28-09-2022
Subha
Item no.41

Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 751 of 2021

Prasad Chandra Samanta & Ors.
-versus-
The State of West Bengal & Anr.

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

Mr. Pratip C. Chatterjee
Mr. Gautam Banerjee
Ms. Priya Dey

...for the Petitioners.

Mr. Sandip Chakraborty

....for the State.

Mr. Atanu Biswas

...for the private opposite party no.2.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the complainant has implicated an exhaustive list of relations who have been arraigned in the instant case and chargesheet has been filed against them.

It is the contention of the learned advocate appearing for the petitioners that the parents in law are aged persons and even the sister in law who got married just one day prior to the complaint being lodged was implicated along with the husband in the instant case.

Additionally, it has been emphasized that there is a malafide attached in the initiation of the present case and as such the registration of the FIR and the consequent chargesheet should be quashed.

Mr. Sandip Chakraborty, learned advocate appearing for the State contends that chargesheet has already been submitted before the jurisdictional court in the year 2020. Prima facie, the materials are there in the case diary according to the learned

advocate which makes out a case for trial and the learned trial court has already fixed dates for framing of charge.

Learned advocate for the complainant/opposite party no.2 is also present. I have considered the materials appearing in the records of the case as well as the case diary.

I find that the documents under Section 207 of the Code of Criminal Procedure on which the prosecution proposes to rely upon have not been enclosed along with the present revisional application and the issues advanced by the learned advocate for the petitioners require documents to substantiate such claim. Accordingly, petitioners are granted liberty to canvass the points, which he addressed in the revisional application before the jurisdictional court at the stage of consideration of charges with proper documents. No interference is called for by this court at this stage.

With the aforesaid observations, the revisional application being CRR 751 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

