

06-06-2022
Item no.27
Subrata

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR No.1649 of 2022
Sanjib Basak
-vs-
The State of West Bengal & Anr.

Mr. Sujoy Sarkar
Mr. Promit Biswas ...for the petitioner

Mr. Ranabir Roy Chowdhury
Ms. Manisha Sharma ... for the State

The present revisional application has been preferred challenging the proceedings relating to Raiganj P.S. Case No.182 of 2022 dated February 12, 2022 pending before the Chief Judicial Magistrate, Raiganj, Uttar Dinajpur under sections 498A/307 IPC read with sections 3/4 Dowry Prohibition Act.

Learned advocate for the petitioner challenges the application under section 307 IPC in the background of the allegation made in the letter of complaint which has been made in the FIR of the instant case.

I have considered the contentions advanced in the revisional application as well as the allegations made in the FIR.

Since the State is unrepresented, Mr Ranabir Roy Chowdhury, who ordinarily appears for the State, is directed to represent the State in this case. His appearance may be regularised by the concerned authorities.

On an assessment of the materials available in the revisional application, I find that presently the investigation of the case is in progress. The subject-matter of challenge in the revisional application relates to the applicability of section 307 IPC. The relevance of the

applicability of section 307 IPC in course of investigation is to be considered on an overall assessment of the FIR as well as the subsequent statements which have been made before the investigating authorities. The applicability of the section would be considered by the investigating authorities only at the stage under section 173 CrPC when the investigating officer would be expressing his opinion on the materials available at the end of the investigation. It would be prejudging an issue by a court of law regarding the applicability of the section when the investigation is in progress.

This court at this stage will not comment on the applicability of the section, however the investigating authorities would consider the applicability of section 307 IPC or any other section, if at all, relating to offences affecting the present case at the end/conclusion of the investigation.

With the aforesaid observations, CRR No.1649 of 2022 stands disposed of. Pending applications, if any, are consequently disposed of.

All parties are to act on the server copy of this order, duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

