

22-11-2022
Subha
Item no.10
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1475 of 2021

Subhradip Saha & Ors.
-versus-
State of West Bengal & Anr.

In Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Moyukh Kumar Mukherjee
Mr. Pritam Roy
Mr. Koustav Lal Mukherjee
...for the petitioner.

Mr. Kaustav Bagchi
Mr. Debayan Ghosh
Mrs. Priti Kar
....for the opposite party no. 2.

Mr. S. G. Mukherjee., Id PP,
Mr. Partha Pratim Das
Ms. Manasi Roy
.....for the State.

The report submitted by the SI of Police, Hasnabad PS, Basirhat Police District through the learned advocate for the State be kept with the record.

The present revisional application was preferred at a stage when the investigation commenced.

Learned advocate appearing for the petitioners has submitted a supplementary affidavit along with the enclosures from which it is reflected that repeated attempts of settlement have failed.

Mr. Koustav Bagchi, learned advocate appears on behalf of the

private opposite party no. 2.

I have considered the submissions of the respective parties and I find that at the very preliminary stage, the petitioners approached this court. As such, the investigation could not proceed in its normal/natural manner.

Having regard to the nature of the allegations and the issues so raised, I am of the opinion that there are mixed question of facts and law which can be deliberated at the appropriate stage when the Investigating Agency comes to a finding, expressing its opinion in its report under Section 173 of the Code of Criminal Procedure.

I do not find any merit for inferring with the continuance of the proceedings at this stage. However, the nature of the dispute as disclosed is arising out of matrimonial discord.

Accordingly, the following directions are passed:-

1. *the Investigating Agency will continue with the investigation relating to Hasnabad PS Case No. 399 of 2021 dated 28.06.2021;*
2. *The interim order granted earlier is hereby vacated.;*
3. *The Investigating Authority will continue their investigation, but will not arrest the petitioners till 8th December, 2022 within which the petitioners would be at liberty to exhaust the remedies available to them under law.*

However, in the meantime, the petitioners should inform their address to the Investigating Officer of the case and co-operate with the investigation and make themselves available as and when called for to do so.

. With the aforesaid observations, the present revisional application being CRR 1475 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]