

11.05. 2022
item No.5
n.b.
ct. no. 34

CRR 1716 of 2016
IA No. CRAN 2 of 2017 (Old No. CRAN 721 of 2017)
(Not Found)

Ruma Nag
Vs.
Dr. Swarnendu Mitra

Mr. Brajesh Jha,
Mr. Ravi Ranjan Kumar,
Mr. Saket Sharma
.....for the petitioner

Mr. Saswata Gopal Mukherjee, P.P.
Ms. Manisha Sharma
.....for the State

Mr. Tapan Datta Gupta,
Mr. Parvej Alam
.... For the opposite party

The present revisional application has been preferred by the petitioner challenging the proceedings being no.C/161/15 pending before the Learned Judicial Magistrate, 6th Court, Sealdah.

The petitioner approached this court immediately after the process was issued.

Mr. Jha, learned advocate appearing for the petitioner submits that the present complainant happens to be brother-in-law of the petitioner against whom a case under Sections 498A/306 of the Indian Penal Code was registered for investigation. The complainant was arrested and thereafter afterthought fabricated story has been manufactured for implicating the present petitioner in the instant case. According to the learned Advocate, the petitioner being a Medical Practitioner is in a position to fabricate

facts with the aid of medical documents for the purpose of invoking relevant provisions of the Indian Penal Code.

Mr. Dutta Gupta, learned advocate appearing for the opposite party opposes such submission. Learned advocate submits that the truth or falsity of the statements made in the petition of complaint or in the deposition under Section 200 of the Code of Criminal procedure cannot be gone into by this Court at this stage.

I have assessed the materials appearing in the petition of complaint and also in the deposition under Section 200 of the Code of Criminal Procedure and on an assessment of the same, I find that there are specific factual circumstances, which have been relied upon for the purpose of invoking the provisions of law. Whether such facts which have been narrated in the petition of complaint, are true and/or false cannot be gone into by this Court at this initial stage of the proceeding. Thus, no interference is called for.

Accordingly, CRR 1716 of 2016 is dismissed.

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.)