

D/L 26  
February 2,  
2022  
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C.R.R. No.2081 of 2019  
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal  
Procedure, 1973;

Umang Agarwal  
Versus  
State of West Bengal & Ors.

Mr. Satadru Lahiri.  
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,  
Mr. Arijit Ganguly,  
Mr. Sandip Chakraborty  
...for the State.

Mr. Lahiri, learned advocate appearing for the petitioner submits that prima facie no case has been made out in the charge-sheet for continuation of further proceedings. The main thrust of the learned advocate appearing for the petitioner is that there has been complete deviation from the First Information Report in the charge-sheet which has been submitted. There have been improvements made so as to implicate the present petitioner who happens to be the husband of the opposite party no.2. Additionally, learned advocate submits that the foundation of the FIR was in the nature of cruelty inflicted and the demand of dowry are related so far as the parents-in-law are concerned, but no allegation against the husband was there, but the police authorities have surprisingly exonerated the in-laws.

Mr. Arijit Ganguly, learned advocate appearing for the

State has submitted the case diary and drawn the attention of this Court to the statement of the witnesses.

The jurisdiction of the High Court while exercising its power under Section 482 of the Code of Criminal Procedure cannot be exercised without appreciating the whole of the materials collected in course of the investigation. The court cannot at this stage restrict itself to the First Information Report and only on the allegations made therein. On an overall view of the foundation of challenging the proceedings, I am of the opinion that the present case is at a prematured stage for approaching this Court.

The petitioner is granted liberty to take out an application under Section 239 of the Code of Criminal Procedure wherein the petitioner would be at liberty to agitate the issue of facts as well as law before the learned trial court who is in seisin over the matter.

No interference is called for by the High Court while exercising its inherent jurisdiction at this stage.

With the aforesaid observations, CRR 2081 of 2019 is disposed of.

Pending application, if any, is 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.)**

