

06.04. 2022
item No.68
n.b.
ct. no. 34

CRR 2279 of 2019

**Mihir Das & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Biswajit Tiwari,
Sk. Salim,
.....for the Petitioners

Mr. S. G. Mukherjee, P.P.,
Ms. Debjani Sahu,
.....for the State

Ms. Papiya Chattopadhyay
... for the opposite party no.2

Learned advocate for the opposite party submits that the name of the opposite party no.2 has been wrongly referred to in the revisional application.

Leave is granted to the Learned advocate for the opposite party no.2 to correct the name of the opposite party no.2 in the revisional application.

Learned advocate for the petitioners submits that the present case was instituted as a counter-blast to the divorce proceedings, which was initiated at the instance of the husband/petitioner no.1. Learned advocate for the petitioner submits that there was substantial delay in the registration of the FIR and the allegations made in the letter of complaint is an afterthought for falsely implicating the petitioners. Learned advocate additionally submits that the petitioner nos.3 and 4 were

never residents of the address referred to as the in-laws house and they have been roped by way of fictitious allegations.

Learned advocate for the opposite party no.2 resist such submissions and submits that as a result of continuous torture the opposite party no.2 was compelled to institute the complaint although she was under the impression that the differences would normalise with passage of time.

Ms. Sahu, learned advocate for the State submits that there are witnesses who have corroborated the statements of the complainant and as such there is no scope for interference at this stage.

I have considered the contentions advanced by the respective parties and scrutinized the allegations made in the letter of complaint, charge sheet as also other documents on which the prosecution has relied upon to prove its case. In the present case charge sheet has been submitted under Sections 498A/406 of the Indian Penal Code. So far the basic requirements or the ingredients of the offences alleged are concerned the primary test has been overcome by the Investigating Agency and it is for the accused persons to rebut such evidence in course of the trial.

Having regard to the same, I am of the opinion that the petitioners have approached this court at a premature stage and thus, no interference can be made.

Accordingly, CRR 2279 of 2019 is dismissed.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

Learned advocate appearing for the petitioners submits that as the case was initiated in the year 2017 and almost five years have passed in the mean time, the petitioners should not be allowed to face the agony for a long period of time. In view of such submissions, I direct the learned Trial Court to frame charges within a period of sixty days from date of communication of this order and fix dates for evidence at least once in every sixty days, so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)