

23.02. 2022
item No.10
n.b.
ct. no. 34

(via video conference)
CRR 2382 of 2019

Pooja Thakur @ Puja
Vs.
Manish Thakur

Mr. Sabir Ahmed
.....for the Petitioner

Mr. Sandip Chakraborty
.....for the State

The grievance of the petitioner is that the petitioner was aggrieved by refusal of the learned Magistrate in the order dated 24.4.2019 to consider her claim at least in relation to an amount of Rs.2,50,000/- which was transferred by way of NEFT to one of the accused persons. The learned Magistrate was of the opinion that at the time of disposal of the proceedings, the issue can only be considered.

Mr. Ahmed, learned advocate appearing for the petitioner has drawn the attention of this Court to the provisions of Section 6 of the Dowry Prohibition Act, 1961 and emphasized that in view of the said provisions, the learned Magistrate need not wait till the end of the Trial.

Mr. Sandip Chakraborty, learned advocate appearing for the State submits that the only allegation made in the petition of complaint should restrict to paragraph 4 which refers to a sum of Rs.5,00,000/- in cash and other properties.

Having regard to the submissions advanced by the learned advocate for the petitioner as well as for the State, I direct the learned Judicial Magistrate, 7th Court, Asansol to reconsider the application filed by the complainant which was rejected on 24.4.2019 regarding the return of Rs.2,50,000/- which was paid by way of NEFT. Learned Magistrate to that extent will call for proof from the complainant regarding the period during which it was transferred, the allegations made in the petition of complaint and the relevant provisions of the Dowry Prohibition Act, 1961.

The part of the order wherein the application of the complainant for return of the money was rejected is hereby set aside. Learned Judicial Magistrate, 7th Court, Asansol would freshly consider the same.

Consequently, CRR 2382 of 2019 is partly allowed.

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.)