

07-11-2022
Subha
Item no.38
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2508 of 2021

Sri Ashoke Kumar Mukherjee & Anr.
-versus-
The State of West Bengal & Anr.

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

Mr. Kushal Paul
....for the petitioners.

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

Mr. Avik Ghatak
Mr. Abhinav Rakshit
....for the opposite party no.2.

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Mr. Kushal Paul, learned advocate appears on behalf of the petitioners and submits that the present petitioners happen to be the father-in-law and mother-in-law of the complainant, who have been falsely implicated in the instant case because of mental incompatibility between the complainant and her husband who happens to be the son.

Additionally, he submits that in the letter of complaint much stress was made regarding the issue of impotency of the husband and the present petitioners have been incorporated as accused as a mere formality without any substantive allegation made against them.

Mr. Ghatak, learned advocate appears on behalf of the opposite party no.2 draws the attention of this court to the specific parts of the letter of complaint wherein reference has been made for further demand of dowry and physical and mental torture.

Mr. Chakraborty, learned advocate for the State produces the

case diary and submits that the chargesheet has been submitted on the basis of the materials collected by the Investigating Agency and primarily there are four witnesses including the Investigating Officer.

I have perused the statements under Section 161 of the Code of Criminal Procedure as well as the letter of complaint and I find that chargesheet in this case has been submitted under Section 498A/406/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Having regard to the seizure which have been effected in the instant case and the oral statements which are appearing and on which the prosecution presumably would rely on in course of the proceedings, I am of the opinion that at this stage it would not be fit and proper to interfere with the continuance of the proceedings.

However, the petitioners till date have not received the papers and documents on which the prosecution proposes to rely. As such the petitioners are granted liberty to canvass their points of discharge at the stage of Section 239 Cr.P.C/consideration of charges once they receive the aforesaid documents of the prosecution.

With the aforesaid observations, the present revisional application being CRR 2508 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties including the learned the learned trial court is directed to act on the server copies of the order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

