

07-06-2022
Subha
Item no.82
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 2663 of 2021

In the matter of : **Sri Tapas Kumar Dutta.**petitioner.

In Re : An application under Sections 397,401 read with Section 482 of the Code of Criminal Procedure.

Mr. Shuvranil Chakraborty
.....for the petitioner.

Mr. S. S. Imam
Mr. S. Kundu
....for the State.

Affidavit of service so filed be kept with the record.

. Learned advocate for the petitioner submits that the de facto complainant being the wife in different cases referred to time and date of infliction of torture which are contradictory to each other and as such the same touches the root of maintainability of the case.

The petitioner prays for quashing of such cases which includes the first information report and the consequent chargesheet submitted by the Investigating Agency on conclusion of investigation.

Mr. Kundu, learned advocate appears for the State and vehemently opposes the contentions advanced on behalf of the petitioner and submits that such an issue is a disputed question of fact, which is to be gone into at the stage of trial.

I have considered the submissions advanced by the learned advocate for the petitioner and I find from the records of the revisional

application that only the first information report has been enclosed in a case where the Investigating Authority on conclusion of investigation has submitted chargesheet under Section 173 of the Code of Criminal Procedure. The petitioner is yet to receive the copies of the documents under Section 207 of the Code of Criminal Procedure.

In view of the settled proposition of law, petitioner would be at liberty to canvass the factual aspects at the stage of the consideration of charge before the jurisdictional court after the documents under Section 207 of the Code of Criminal Procedure are made available to the petitioner.

With the aforesaid observations, the present revisional application being CRR 2663 of 2021 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

