

D/L26
May 5,
2022
Bpg.

C.R.R. No.2893 of 2017

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

Smt. Tripti Sharma
Versus
The State of West Bengal & Anr.

Mr. Debasis Kar,
Mr. Subhajit Chowdhury,
Mr. Arka Tilak Bhadra.
...for the petitioner.

Mr. Imran Ali,
Ms. Debjani Sahu.
...for the State.

Report so submitted by Ms. Sahu, learned advocate
appearing for the State, be kept with the record.

Learned advocate appearing for the petitioner submits
that the petitioner is a practising advocate and has been falsely
implicated at the instance of another advocate. There are number of
cases pending between the petitioner and the de facto complainant.

I have gone through the allegations made in the FIR as
also charge-sheet and the three statements on which the
prosecution relies upon to prove its case. The basic allegation is
that the present petitioner under the garb of returning a pen drive
brought along with her to other unknown persons who assaulted
the complainant/de facto complainant mercilessly and on such
foundation Sonarpur Police Station Case No.1754 of 2016 was
registered for investigation on 27th July, 2016.

Regard being had to the nature of the allegations and

stage of the case, I am of the opinion that complete scrutiny and interpretation of the materials are not called for. The statements do reveal the facts which relate to Sections 341/323/506 of the Indian Penal Code. The documents under Section 207 of the Code of Criminal Procedure are yet to be submitted to the petitioner. The petitioner after receipt of the same would be entitled to prefer an application for discharge under Section 251 of the Code of Criminal Procedure before the jurisdictional court. The stage at which the petitioner approached before this Court is premature. As such, no interference is called for.

Learned advocate appearing for the petitioner submits that warrant of arrest is pending against her.

In view of the revisional application pending before this Court, I direct the learned trial court to recall such warrant of arrest and allow her to appear before the jurisdictional court by 30th June, 2022. Learned trial court on such appearance would consider that the offences are bailable and would release the petitioner on bail. Thereafter, if the petitioner prefers an application under Section 205 of the Code of Criminal Procedure, the learned court considering the fact that the petitioner is a professional advocate would allow her to be represented by her lawyer on usual undertaking. The learned court after the period so mentioned would be at liberty to revive the warrant of arrest so earlier issued.

Accordingly, CRR 2893 of 2017 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.)