

17-02-2022
Subha
Item-22
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

(Via video-conference)

C.R.R 3249 of 2019

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

In the matter of : ***Bihu Bandyopadhyay @ Bihu Bandopadhyay @ Bihu Banerjee***
...Petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Apalak Basu
Ms. Pritha Sinha

....for the petitioner.

Mr. S. G. Mukherji, Id. PP,
Mrs. Debjani Sahu

..for the State.

Mr. Chatterjee, learned advocate appearing on behalf of the petitioner challenges the continuance of the Chandannagar P. S. Case No. 291 of 2016 dated 12.12.2016.

Learned advocate for the petitioner submits that the allegations made against the present petitioner do not fall within the ambit of Section 498A of the Indian Penal Code.

Learned advocate further submits that the statements so made in the complaint are by way of overzealous attitude of the complainant/informant and unnecessarily the petitioner, who is not a family member and an office colleague, has been dragged into a matrimonial discord.

Mr. Mukherji, learned Public Prosecutor, High Court, Calcutta draws the attention of this court to the allegations and the materials available in the present case.

I have assessed the allegations as well as the narration of facts and on an appreciation of the same, I am of the opinion that the petitioner has approached this court at a prematured stage. It has been informed that charges are yet to be framed before the learned trial court.

Accordingly, I direct that in case an application under Section 239 of the Code of Criminal Procedure is preferred by the petitioner, the learned trial court would address the same in the background of the facts appearing on records.

With the above observations, the revisional application being CRR 3249 of 2019 is disposed of.

Interim order, if any, is, hereby, vacated.

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

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

(Tirthankar Ghosh, J.)

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