

16.12.2022
S/L No.23
KS

C.R.M.(SB) 247 of 2022
Riya Mukherjee
-Vs.-
The State of West Bengal & Anr.

Mr. Subrata Bhattacharya
Mr. Surojit Ghosh Dastidar
..... For the Petitioner
Ms. Sayanti Santra
.....For the State
Md. Sabir Ahmed
Mr. Anirban Guha Thakurta
Mr. Sujan Chatterjee
.....For the O.P. No.2

Learned advocate appearing for the petitioner challenges the order dated 30.06.2022 passed by the Learned C.J.M., Alipore, South 24 Parganas in connection with Kalighat Police Station Case No.61 of 2021 dated 15.05.2021 under Sections 498A/ 406/ 34 of the Indian Penal Code and Sections 3/ 4 of the Dowry Prohibition Act, 1961.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the police authorities intentionally did not seize the gold jewellery which were alleged in the complaint and only a very small amount has been shown to be seized for invoking the provisions of Section 406 of the Indian Penal Code. Learned advocate submits that he has preferred an application for further investigation after the charge-sheet was submitted before the Jurisdictional Court.

Mr. Chatterjee, learned advocate appearing for the private opposite party no.2 submits that the marriage was solemnized by and

between the parties on 12th June, 2019. There were disputes and differences. However, the opposite party has been falsely implicated in connection with the instant case.

Learned advocate appearing for the State submits that charge-sheet has already been submitted and some of the Stridhan articles were not recovered in course of investigation for which steps have been taken by the present petitioner, being the de facto complainant.

I have assessed the order passed on 30.06.2022 passed by the Learned C.J.M., Alipore, 24 Parganas, South wherein the application for cancellation of bail was considered in detail by the Learned Magistrate and the Learned Magistrate on an assessment of the materials was pleased to refuse the prayer for cancellation of bail.

Having regard to the reasons so assigned by the Learned Magistrate, I am not inclined to interfere with the prayers advanced before this Court.

Petitioner has preferred an application for further investigation which is pending for consideration. Let the same be considered in its proper perspective by the Learned Magistrate.

With the aforesaid observations, C.R.M.(SB) 247 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)