

17.10. 2022
item No.40
sn/nb
ct. no. 39

CRR 3902 of 2022
Tanvi Agarwal @ Saanvi Agarwal
Vs.
State of West Bengal & Anr.

Mr. Uday Gupta,
Mr. Koushik Kundu,
.....for the Petitioner

Mr. Rudhardipta Nandy,
Mr. Pratick Bose,
.....for the State

The petitioner is unmarried sister-in-law who has challenged the order framing charges dated 13.9.2022 passed by the Learned Judicial Magistrate, 1st Court, Rampurhat, Birbhum, in connection with G.R. Case No.87 of 2019 arising out of Mallarpur Police Station case No.29 of 2019 dated 30.1.2019.

The grievance of the petitioner is that although she is similarly situated as the other accused persons who have been discharged from the instant case, the Learned Magistrate without assigning any reason, has framed charges against the present petitioner under Sections 323/498A/406 of the Indian Penal Code.

The petitioner is directed to serve a copy of the revisional application upon Mr. Nandy, learned advocate, who ordinarily appears for the State, he is directed to appear in this matter and represent the State. His appointment may be regularized by the concerned authority.

I have considered the order dated 13.9.2022 and I find that there is substantial force in the submission of the learned advocate appearing for the petitioner particularly to the extent that

the petitioner is similarly situated as other accused persons who have been discharged from the instant case.

In view of the aforesaid, I am of the opinion that a case has been made out for interference so far as framing of charge against the present petitioner is concerned. Accordingly, the order dated 13.9.2022 so far as it relates to framing of charge against the present petitioner is concerned is set aside. However, the learned Magistrate will freshly consider the materials appearing in the record and assign his reasons or at least the contentions advanced by the learned advocate representing the petitioner namely, Tanvi Awarwal @ Saanvi Agarwal.

Petitioner is granted liberty to take out an application for discharge under Section 239 of the Code of Criminal Procedure preferably within 2nd week of November 2022. Record reflects that the next date has been fixed on 29.4.2023. The Learned Magistrate will not disturb the date so fixed and try to conclude the hearing of the application under Section 239 of the Code of Criminal procedure preferably by February 15, 2023 after hearing both the petitioner and the State.

With the aforesaid observations, CRR 3902 of 2022 is disposed of.

Pending applications, if any, are disposed of.

Learned Magistrate to act on server copy of the order downloaded from the official website of this Court.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)