

D/L55
July 19,
2022
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C.R.R.4306 of 2008

In Re: An application under Sections 401 and 482 of the Code of Criminal Procedure;

Sanath Chitrakar and others
Versus
The State of West Bengal and another

Mr. Amal Krishna Samananta.
...for the petitioners.

Mr. Bidyut Kumar Roy,
Ms. Manisha Sharma.
...for the State.

Report submitted by Mr. Bidyut Kumar Roy, learned advocate appearing for the State, prepared by the Officer-in-Charge, Durgachak Police Station, be kept with the record.

The grievance of the petitioners relate to an order dated 24.07.2008 passed by the learned Additional Sessions Judge, Fast Track, 3rd Court, Tamluk, Purba Medinipur in Criminal Revision No.22 of 2008 arising out of C.R. Case No.439 of 2008 under Sections 498A/406 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act pending before the learned Judicial Magistrate, 1st Court, Tamluk.

Learned advocate for the petitioners submits that the opposite party no.2/wife left her matrimonial home and after five years instituted the present case which was dismissed by the learned Magistrate and subsequently restored by setting aside the order by the learned revisional court being the sessions court.

Having regard to the fact that the learned sessions court

on an appreciation of the materials set aside such order under Section 203 of the Code of Criminal Procedure and the fact remains that the complainant is yet to adduce her evidence before the court, I am of the opinion that no interference is called for at this stage. The petitioners would be at liberty to canvass such points at the stage of Section 245 of the Code of Criminal Procedure.

If an application under Section 205 of the Code of Criminal Procedure is filed at the instance of the present petitioners, the learned Magistrate on an appropriate undertaking being given by them would allow them to be represented through their learned lawyer.

Accordingly, CRR 4306 of 2008 is disposed of.

Pending connected application, if any, is consequently disposed of.

The interim order earlier granted is hereby vacated.

Learned Magistrate would proceed accordingly as directed above.

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

(Tirthankar Ghosh, J.)