

D/L 16
March 14,
2022
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C.R.R. No.1760 of 2020
(Via Video Conference)

In Re: An application under Section 397/401 read with Section 482 of
the Code of Criminal Procedure, 1973;

Sri Sougata Ghosh & Anr.
Versus
State of West Bengal & Anr.

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha,
Mr. Somesh Kumar Ghosh.
...for the petitioners.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee.
...for the opposite party no.2.

Mr. Arijit Ganguly,
Mr. Pratick Bose,
Ms. Sujata Das.
...for the State.

Mr. Chittapriya Ghosh, learned advocate appearing for
the petitioners challenges the proceedings arising out of Arambagh
Women Police Station Case No.27 of 2020 dated 26.05.2020 under
Sections 498A/406 of the Indian Penal Code.

Learned advocate appearing for the petitioners submits
that the petitioner no.1 is the husband and the petitioner no.2 is
the father-in-law of the complainant/opposite party no.2 and they
have been falsely implicated in connection with the instant case.
Learned advocate emphasizes over the issue and the manner in
which the criminal proceedings have been initiated and draws the
analogy regarding the civil case pending between the parties.
Additionally, learned advocate emphasizes on the issue of the

petitioner no.2 being the father-in-law who has been falsely implicated without any substantive allegation appearing against him in the FIR and the charge-sheet.

Mr. Niladri Sekhar Ghosh, learned advocate appearing for the opposite party no.2 submits that there are materials appearing against the present petitioners and, as such, Court may not interfere.

Mr. Arijit Ganguly, learned advocate appearing for the State produces the case diary.

I find that the petitioners approached this Court immediately after the submission of the charge-sheet and at a stage when the documents under Section 207 of the Code of Criminal Procedure were not supplied to the accused/petitioners.

Having regard to the stage at which the petitioners approached this Court, I am of the opinion that the same is at a prematured stage and the petitioners could not place the statement under Section 161 of the Code of Criminal Procedure or other materials so relied upon by the prosecution under Section 207 of the Code of Criminal Procedure. The petitioners would be entitled to agitate such points canvassed in the revisional application along with other points which they intend at the time of consideration of charge before the learned trial court.

With the aforesaid observations, CRR 1760 of 2020 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.)