

16.09.2022

Item No.14

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 47 of 2022

**Sonal Singh @ Sonal Kumar & Ors.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Rajdeep Mazumder,
Mr. A. Das,
Mr. Pritam Roy,
Mr. Moyukh Mukherjee,
Ms. Radhika Agarwal,
Mr. Amit Saha ... For the Petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Nilay Chakraborty ... For the State.

Mr. Sayan De,
Mr. Kaustuv Shome,
Ms. Esha Acharya,
Mr. Sayan Kanjilal ... For the Opposite Party No.2.

Mr. Mazumder, learned advocate appearing for the petitioners submits that the petitioners have been financially and socially looser as the marriage ties were broken. It has been also alleged that the allegations under Sections 420/406/34 of the Indian Penal Code and Sections 4/6 of the Dowry Prohibition Act are no way applicable to the present case. Additionally, he submits that during the pendency of this revisional application, the petitioners have cooperated with the investigating agency and produced all the documents pursuant to the notice served under Section 41A of the Code of Criminal Procedure.

Mr. De, learned advocate appearing for the opposite party no.2 submits that the daughter of the opposite party no.2 had to face a social backlash because of the flimsy grounds on which marriage was deferred/cancelled. It has also been submitted that the opposite party no.2 has incurred huge expenses and the same was on the assurance of the petitioners.

Learned advocate for the State submits that the pendency of this revisional application itself has been a cause of slow progress of the investigation.

I have considered the submissions of the rival sides and I find that the investigation of the case is in progress and the issues so canvassed are to the personal knowledge of both the parties which are to be assessed by the investigating agency. Thus, no interference can be made at this stage.

However, the petitioners were initially granted protection by this Court and there was mediation which could not attain finality. The notices under Section 41A of the Code of Criminal Procedure were also issued to the petitioners. Having regard to the nature of the offences which arose out of failure of commitment in materializing a matrimonial relationship, I am of the opinion that the petitioners should be granted opportunity to exhaust their remedies available under the law. Accordingly, the petitioners shall cooperate with the Investigating Officer of the case and make themselves available as and when called for. However, they

should not be arrested till 10.11.2022 for taking appropriate steps in accordance with law.

On and from 11.11.2022, the Investigating Officer of the case will be at his discretion to exercise his rights, if required under the law.

With the aforesaid observations, the revisional application being CRR 47 of 2022 is disposed of.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)