

D/L31
09.09.2022
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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

In Re: An application under Section 482 of the Code
of Criminal Procedure, 1973;

C.R.R 148 of 2021

Sushil Kumar Prasad and others
Versus
The State of West Bengal and another

Mr. Deborshi Dhar.
...for the petitioners.

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

The present revisional application has been preferred
challenging the continuance of Jorebunglow Police Station 61 of
2021 dated 15.09.2021 under Section 498A and 188 of the
Indian Penal Code.

The Investigating Agency on conclusion of
investigation submitted charge-sheet before the jurisdictional
court. The charge-sheet incorporates eight witnesses which
includes the complainant.

Learned advocate appearing for the State has drawn

the attention of the Court to the statement of the other witnesses which corroborates the statement of the complainant so far as the electricity and water issues are concerned.

The character of the letter of complaint completely reflects the violations of the order passed by the learned Magistrate in a proceeding under the provisions of PWDV Act, 2005.

Having regard to the materials collected by the Investigating Agency and the provisions of Section 32 of the Protection of Women from Domestic Violence Act wherein sole testimony of the aggrieved person is enough, I am of the opinion that no interference can be made at this stage.

Accordingly, CRR 148 of 2021 is dismissed.

The petitioners approached this Court at a prematured stage even prior to receipt of the copies under Section 207 of the Code of Criminal Procedure. The petitioners would be at liberty to canvass such points at the stage of Section 239 of the Code of Criminal Procedure before the learned Judicial Magistrate after receiving all the documents intended to be relied upon by the prosecution.

Interim order, earlier granted, is hereby vacated.

Pending application, if any, is 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 copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

