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

C.R.R 168 of 2022

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

Anjan Bhattacharya and others
Versus
The State of West Bengal and another

Mr. Arijit Ghosh,
Ms. Swarnali Ghosh (Sengupta).
...for the petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom.
...for the State.

Affidavit-of-service so filed by the petitioners be kept
with the record.

The revisional application was preferred challenging
the proceedings arising out of Siliguri Woman Police Station
Case No.29 of 2021 dated 05.03.2021 under Section 498A and
Section 3/4 of the Dowry Prohibition Act, 1961.

Learned advocate appearing for the petitioners
submits that the de facto complainant after marriage along with
her husband resided at Delhi and had no connection with the
matrimonial house. In spite of the same, a case has been
registered within the jurisdiction of Siliguri Woman Police

Station. Learned advocate also submits that there are no allegations in respect of any mental torture or demand for dowry being inflicted within the jurisdiction of such police station and erroneously a case has been registered in a police station which do not have a jurisdiction. There were issues regarding the mutual divorce and they could not materialize during the Covid period as the courts were operating in a staggering manner. As such, the de facto complainant has filed the instant case to wreck vengeance upon the husband and his family members.

Learned advocate appearing for the opposite party no.2 resists such submissions and states that there are allegations of mental torture and demand for dowry and the witnesses have supported such allegations.

Mr. Ujjwal Luksom, learned advocate, appears on behalf of the State and submits that the investigation has been concluded and charge-sheet has already been submitted.

Having regard to the stage of the case, I am of the opinion that the petitioners are yet to receive the copies under Section 207 of the Code of Criminal Procedure which are the foundation of the charge-sheet which has been submitted before the jurisdictional court.

Having regard to the same, I am of the opinion that the petitioners would be at liberty to approach this Court at the appropriate stage after the documents on which the prosecution

intends to rely upon have been served upon the petitioners. Needless to state that this Court has not entered into the merits of the case and the learned Magistrate would independently consider the issues raised by the petitioners at the stage of consideration of charges.

With the aforesaid observations, CRR 168 of 2022 is disposed of.

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.

(Tirthankar Ghosh, J.)

