

02.05.2023
Court No.13
Item No.28
AP

WPA 724 of 2022

**Samprikta Basu Dhar
Vs.
State of West Bengal and Ors.**

Ms. Sohini Bhattacharyya
Ms. Ruchita Sharma

... For the Petitioner.

Mr. Subhabrata Datta
Mr. Debashis Sarkar

... For the State.

1. The petitioner is aggrieved by the investigation into FIR being Titagarh Police Station Case No.497/21 dated 20th July, 2021 under section 498A, 406 of the IPC and 3 & 4 of the Dowry Prohibition Act.

2. It is submitted by Ms. Ruchita Sharma, learned counsel for the petitioner that the respondent No.7, husband of the petitioner, has neither responded to the notice under section 41(A) of the CrPC nor has participated in the investigation. The police, according to the petitioner, have not taken any steps against him.

3. Learned counsel for the State submits that the investigation has been completed and charge sheet No.300 dated 16th May, 2022 under sections 498A, 406, 34 of the IPC and sections 3 & 4 of the Dowry Prohibition Act has been filed. The respondent No.7, husband, was under treatment abroad in the United Kingdom. He could not, therefore, participate in the investigation. He is, however, named as accused in the charge sheet.

4. The IO, Titagarh Police Station shall apply for warrant of arrest against the respondent No.7, husband. Charge sheet shall be put to committal and trial be proceeded if the respondent No.7, husband, is found evading arrest, and any order of proclamation or attachment that may be passed in the future.

5. This Court, however, does not find any inaction on the part of the Titagarh Police.

6. With the aforesaid observations, the writ petition shall stand disposed of.

7. There shall be no order as to costs.

8. Report of the Officer-in-Charge, Titagarh Police Station, Barrackpore Police Commissionerate dated 2nd May, 2023 is taken on record.

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

(Rajasekhar Mantha, J.)