

17.04.2023
Court No.13
Item No.8
AP

WPA 1970 of 2022

Sri Arup Ratan Bhattacharyya
Vs.
The State of West Bengal and Ors.

Mr. Arka Pratim Choudhury
Mr. Sunny Nandy
Mr. Tamal Singha Roy

... For the Petitioner.

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu

... For the State.

Mr. Amal Kumar Mukhopadhyay
Ms. Anindita Banerjee
Mr. R. Jana

... For the Respondent No.5.

1. Learned counsel for the State has produced a report in the form of instructions dated 11th April, 2023 issued by the Officer-in-Charge, Ashokenagar Police Station, Barasat Police District, addressed to the learned Government Pleader and the same is taken on record.
2. It appears from the report that investigation into the FIR being Ashokenagar Police Station Case No.703/2020 dated 30th September, 2020 has been completed and charge sheet being Ashokenagar Police Station Charge Sheet No.686/2020 dated 25th October, 2020 under section 498A of the IPC has been filed.
3. Counsel for the private respondent/wife submits that the petitioner is guilty of suppression of material facts. It is submitted that an application

being CC No.1406/20 for right of residence has been filed by the wife before the ACJM, Barasat under section 23 of the DV Act, which is pending consideration.

4. The petitioner herein had challenged the proceedings before the Sessions Judge, Barasat in Criminal Appeal No.14 of 2021.
5. A coordinate Bench, on 9th July, 2021 in CRR 1304 of 2021 had directed the appeal to be disposed of expeditiously, which has not been done till date.
6. Interim orders have been passed in the pending appeal being Criminal Appeal No.14 of 2021 by the Coordinate Bench on 9th July, 2021 (supra). The respondent wife is allowed to stay in the residence.
7. The petitioner only submits that his mother, who is paralyzed, lives with him and prays that the respondent/wife should not disturb the petitioner and his mother. Pending final disposal of the appeal being C.A. No. 14 of 2021, the respondent/wife may return to the residence of the petitioner. she shall not disturb the petitioner or his mother.
8. This Court directs the Sessions Judge, Barasat to dispose of the Criminal Appeal No.14 of 2021 on its own merit uninfluenced by any observation made hereinabove, as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order.

9. With the aforesaid directions, the writ petition shall stand disposed of.
10. There shall be no order as to costs.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)