

D/L55
27.06.2023
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C.R.R.345 of 2023

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure;

Sri Netai Maity and others
Versus
The State of West Bengal and another

Mr. Prasanta Kumar Pakrashi
Mr. A.K. Chatterjee.
...for the petitioners.

Learned advocate appearing for the petitioners challenges the continuance of the FIR which has been initiated by way of Daspur Police Station Case No.149 of 2022 dated 23.04.2022. Learned advocate submits that the FIR has been falsely instituted and the allegations therein of detaining the petitioner and demand of Rs.2,00,000/- has no foundation of facts. Learned advocate further submits that the continuance of the present proceeding is an abuse of the process.

I have considered the enclosures along with the revisional application and I find that the charge-sheet has been submitted on conclusion of investigation before the jurisdictional court under Sections 498A/323/354B/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. None of the documents under Section 207 of the Code of Criminal Procedure has been enclosed along with the present revisional application which would show the basis of foundation of the report under Section 173 of the Code of Criminal Procedure. Once the charge-

sheet has been submitted before the jurisdictional court, the issue of truth or falsity in the FIR dilutes. Consequently, the prayer so made by the learned advocate has no basis of foundation in respect of the continuance of the proceedings. Thus, no interference according to law can be made in respect of the FIR.

Accordingly, CRR 345 of 2023 is dismissed.

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

(Tirthankar Ghosh, J.)