

D/L104
05.07.2023
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C.R.R.413 of 2023

In Re: An application under Section 401 read with 482 of the Code of Criminal Procedure, 1973;

Kamna Agarwal and another
Versus
The State of West Bengal and another

Mr. Debasis Mitra
Mr. Pronojit Roy.
...for the petitioners.

Mr. Md. Anwar Hossain
Ms. Manisha Sharma.
...for the State.

Petitioners are directed to serve a copy of the revisional application upon Mr. Anwar Hossain, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authorities.

Learned advocate for the petitioners submits that the petitioners are the sister-in-law and brother-in-law (husband of the sister-in-law) who are staying at Dhanbad, Jhargram and the matrimonial home of the opposite party no.2 is situated at Baguiati, Kolkata. Learned advocate also submits that both the petitioners being professionals had no occasion to involve themselves in trivial family issues and they have been falsely implicated in the instant case.

I have considered the submissions and I am of the view that it would fit and proper at this stage to leave it to the learned trial court at the stage of consideration of charges to test the pros and cons of the factual circumstances and assess the complicity of

the petitioners, if any.

Accordingly, the petitioners would be at liberty to take out an application under Section 239 of the Code of Criminal Procedure before the learned trial court. If such an application is filed, learned trial court would dispose of the same in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 413 of 2023 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.

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

(Tirthankar Ghosh, J.)