

12.10.2023
Serial no. 10
[G.S.D]

CRR 900 of 2023

In the matter of : Dinabandhu Mondal

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Satadru Lahiri
Mr. Rishav Singh
Mr. Sagar Mishra
... for the Petitioner
Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan
... for the State

The petitioner is directed to serve upon the Mr. Sanjib Kr. Dan, Id. Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

Ld. advocate for the petitioner submits that after a long time the present case was instituted at the instance of the private opposite party, which is embellished.

Having regard to the fact that the petitioner/husband earlier has lodged a complaint regarding the conduct of the o.p. and the o.p. *suo motu* left the matrimonial home without any reason, Ld. advocate submits that the facts narrated in the letter of complaint as also the statement of the private opposite party reflects that the factual circumstances were engineered for invoking the cognizable offence required for registration of the FIR.

I have considered the submissions of the Id. advocate appearing for the petitioner and the same are definitely questions of fact, which requires preliminary assessment.

I find from the records of the case that the Id. trial court has fixed date for consideration of charges.

Having regard to the documents which have been enclosed along with this revisional application particularly the FIR, charge-sheet and the statement of the witnesses, I am of the view that the Id. trial Court would assess the continuance of the present proceedings after any application under Section 239 of the Cr.P.C., is preferred.

The Id. trial Court would also see to the fact that whether the materials so collected by the investigating agency and the time period involved for registration of the FIR, do make a case for invoking the Sections for which charge-sheet has been submitted before the jurisdictional court.

Needless to state that this Court has not assessed regarding the merits of the case.

Having regard to the fact that next date has been fixed for consideration of charges, the Id. Trial Court would independently consider the same without being influenced by any of the observations made by this court.

With the aforesaid observations, CRR 900 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

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

(Tirthankar Ghosh, J.)