

D/L21
19.01.2023

C.R.R.914 of 2021

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

Smt. Susmita Malakar
Versus
State of West Bengal and others

The grievance in the revisional application reflects that the complainant/petitioner filed a complaint under Sections 498A/406/34 of the Indian Penal Code, the same was registered as C.R. Case No.388 of 2019. Learned court was pleased to take cognizance of the offence and subsequently on an examination under Section 200 of the Code of Criminal Procedure was pleased to issue process against the accused.

Records reflect that the accused persons appeared and while date was fixed for evidence before charge, an application under Section 93 of the Code of Criminal Procedure was filed for recovery of stridhan articles. Learned Judicial Magistrate, 4th Court, Paschim Medinipur rejected the same.

I have considered the nature of the proceedings and I am of the view that as there were allegations of stridhan articles being illegally withheld or misappropriated and ordinarily the entitlement of the same should be with the complainant/wife, the order so passed in the background of the present facts of the case do not seem to be correct and in consonance with the provisions of law.

Having considered the same, the order dated 18.01.2021 rejecting the prayer for issuance of search warrant is interfered.

The order dated 18.01.2021 is hereby set aside. Learned Magistrate will afresh consider the issue.

Accordingly, CRR 914 of 2021 is allowed.

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.)