

17-07-2023
Subha
Item no. 51
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1263 of 2023

Sk. Shahjahan Ali
-versus-
The State of West Bengal & Anr.

Mr. Mr. Subhas Chandra Atha
Ms. Payel Paramanick
....for the petitioner.

Mrs. Baisali Basu
.....for the State.

Learned advocate for the petitioner is directed to serve a copy of the revisional application upon Mrs. Baisali Basu, learned advocate, who ordinarily appears before this court on behalf of the State. Her appearance may be regularized by the concerned Authorities in due course.

Learned advocate for the petitioner submits that the petitioner is a husband who has been harassed at the instance of the wife by instituting a case under Sections 498A/323/406/506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

According to the learned advocate the case was instituted on or about February, 2022 and prior to the incident the petitioner has lodged several complains including the Superintendent of Police and the Bankura Police Station which also incorporated narrations relating to missing of the lady.

The present case being Bankura Women Police Station Case No. 21 dated 25.02.2022 has already ended in a chargesheet. The charge-sheet prima facie reflects that there are at least 6 witnesses. Petitioner is yet to receive the documents under Section 207 of the Code of Criminal Procedure. At least none of the documents relating to the prosecution witnesses had been enclosed with the revisional application.

Having regard to the stage at which the petitioner approached this court, I am of the opinion that the revisional application was preferred at a premature stage. Petitioner would be at liberty to canvass the points, which have been advanced in the present revisional application by taking out an appropriate application in the nature of Section 239 of the Code of Criminal Procedure. The learned Magistrate would consider the same on its own merit independently without being influenced by any observations made by this court while disposing of the revisional application.

With the aforesaid observations, the revisional application being CRR 1263 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

