

M/L11
05.06.2023
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C.R.R. 1798 of 2022

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

Sabitabrata Ghosh
Versus
The State of West Bengal and another

Mr. Navanil De,
Ms. Monami Mukherjee.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Imran Ali,
Ms. Debjani Sahu.
...for the State.

The revisional application has been preferred challenging the continuance of the proceedings arising out of Daspur Police Station Case No.45 dated January 26, 2021 under Sections 498A/323/406/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

Mr. De, learned advocate appearing for the petitioner is directed to serve a copy of the revisional application upon Mr. Imran Ali, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authorities.

The main thrust of contention of the petitioner is that the petitioner is a physically disabled person and he is interested to take back his wife. The wife/defacto complainant/opposite party no.2 left the matrimonial home on her own and there were no reasons for the same. The petitioner for the said purpose filed an appropriate civil case for restitution of conjugal rights.

I have also taken into account the allegations made in

the FIR as well as in the charge-sheet and the connected documents. I am of the view that the contentions so advanced cannot be considered at this stage.

Petitioner would be at liberty to canvass such points at the stage of consideration of charges by way of taking out an application under Section 239 of the Code of Criminal Procedure, if so advised.

With the aforesaid observations, the revisional application being CRR 1798 of 2022 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.)