

M/L20
05.06.2023
Bpg.

C.R.R. 1937 of 2022

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

Nilabja Gupta and others
Versus
The State of West Bengal and another

Ms. Sayanti Santra,
Mr. Chitra Bhanu Gupta.
...for the petitioners.

Mr. Imran Ali,
Ms. Debjani Sahu.
...for the State.

The present revisional application has been preferred challenging the investigational proceedings of Khardah Police Station Case No.256 of 2022 dated 07.04.2022 under Sections 498A/323/352/406/120B/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The main thrust of contention of the present petitioners is that the present case was initiated immediately after the complaints were made to the administrative authorities as well as under Section 9 of the Hindu Marriage Act was filed for restitution of conjugal rights.

Learned advocate submits that the present case was instituted with the ulterior motive to pin down the husband and in-laws for harassing them.

I have considered the contentions advance by the petitioners.

Petitioners are directed to serve a copy of the revisional application upon Ms. Debjani Sahu, learned advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authorities.

Since the investigation of the case as is revealed from the records was continuing at the stage when the petitioners approached this Court, I am of the opinion considering the contentions advanced by the petitioners in respect of the allegations made in the FIR the same at this stage do not call for interference by this Court.

Petitioners would be at liberty to canvass such points once the charge-sheet has been filed and after the documents under Section 207 of the Code of Criminal Procedure are served, at the stage of Section 239 of the Code of Criminal Procedure, if so advised.

With the aforesaid observations, CRR 1937 of 2022 is disposed of.

Pending application, if any, is consequently dismissed.

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.)

