

17.04.2023
Item No. 20
D. Hlra
Ct. No.34

CRR 1613 of 2021

Sushmita Roy nee Paul
vs.
Partha Pratim Roy & Ors.

Mr. Arijit Ganguly,
Ms. Debjani Sahu.
... for the State

The present revisional application has been preferred challenging the order dated 22nd March, 2021 passed by the learned Additional Chief Judicial Magistrate at Alipore in connection with Garfa Police Station Case No. 76 dated 16.12.2017.

The grievance of the petitioner is that the accused persons were left out by the investigating agency while submitting the charge-sheet under Sections 498A/406/354B of the Indian Penal Code read with Section 3/ 4 of the Dowry Prohibition Act.

Learned Magistrate took cognizance of the offence after recording the objection raised on behalf of the defacto complainant.

None appeared on behalf of the State. Mr. Arijit Ganguly, learned Advocate is directed to represent the State. His appointment may be regularized by the concerned authorities.

Learned Magistrate while rejecting such prayer of the defacto complainant was of the opinion that the accused

persons who have been left out in the charge-sheet, could on evidence surfacing in accordance with the trial be impleaded/implicated under Section 319 of the Code of Criminal Procedure. As such, it was unnecessary for directing further investigation in respect of the present application filed by the defacto complainant.

I have considered the issues raised in the revisional application as well as the order dated 22nd March, 2021.

I am of the view that no interference is called for.

Learned Trial Court would be at liberty to consider any application under Section 319 of the Code of Criminal Procedure after the evidence of the defacto complainant is over.

With the aforesaid observations, CRR 1613 of 2021 is disposed of.

All pending applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)