

06.06.2023

Item No.8
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1899 of 2023

**Utpal Ghosh
versus
State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Abhinaba Dan ... For the Petitioner.

Md. Anwar Hossain,
Ms. Manisha Sharma ... For the State.

Learned advocate for the petitioner is directed to serve a copy of this revisional application upon Mr. Anwar Hossain, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The present revisional application has been preferred challenging the continuance of Bankura Women Police Station Case No. 128 of 2022 dated 16.10.2022 under Sections 498A/406/323/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The investigating agency on conclusion of investigation, has submitted charge-sheet before the jurisdictional court and the learned court was pleased to take cognizance of the offences. The present petitioner is the husband and it is his submission that there was suppression of facts in the relationship. It has been submitted that when the petitioner was pursuing his studies, the health of the *de facto* complainant was of concern and thereafter disputes and

differences cropped up between the parties. Consequently, the *de facto* complainant filed the present case with frivolous set of facts. Additionally, it has been contended that there is no question of any gift or dowry articles being given at the time of marriage and the police authorities without adverting or unearthing the truth have filed the charge-sheet before the jurisdictional court.

Mr. Hossain, learned advocate for the State opposes the contentions advanced on behalf of the petitioner and submits that since charge-sheet has been submitted before the jurisdictional court, the case must be taken to its logical conclusion.

I have considered the submissions advanced by the learned advocates for the petitioner as well as the State. Having regard to the fact that charge-sheet has been submitted and the petitioner is yet to receive the documents under Section 207 of the Code of Criminal Procedure, I am of the opinion that at this stage interference would prejudice both the parties. The petitioner would be at liberty to canvass his grievance at the stage of Section 239 of the Code of Criminal Procedure before the jurisdictional court after he is served with the copies under Section 207 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 1899 of 2023 is disposed of.

Pending connected 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 with all requisite formalities.

(Tirthankar Ghosh, J.)