

11-07-2023
Subha
Item no. 25
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2102 of 2022

Somen Sinha and Ors.

-versus-

The State of West Bengal

Mr. Ramasish Mukherjee

Mr. Rameshwar Sinha

....for the petitioners.

Petitioners have challenged the continuance of Kotwali P. S. Case No. 164 of 2019 dated 08-04-2019 wherein the chargesheet was submitted under Sections 498A/323/307/406/506/554A/34 IPC and Ss 3 and 4 of the D. P. Act.

Learned advocate for the petitioners submit that there was a initial talks of compromise and application relating to mutual divorce was preferred before the jurisidcitional court. However, the lady after receiving a sum of Rs.2.50 lakh did not comply to the commitment and subsequently after 16 months proceeded to initiate the instant case.

I have considered the submissions of the learned advocate appearing on behalf of the petitioners and also the allegations which are appearing in the report under Section 173 of the Code of Criminal Procedure including the seizures which have been effected.

Petitioners approached this court at a stage when the documents under Section 207 of the Code of Criminal Procedure

were not supplied. As such, the prosecution case as a whole is not transparent before this court. Petitioners would be at liberty to take out an application in the nature of Section 227 of the Code of Criminal Procedure before the jurisdictional trial court at the stage of consideration of charges after receipt of the copies under Section 207 of the Code of Criminal Procedure. This court has not entered into the merits of the case considering the same to be premature and the learned trial court would consider the application under Section 227 of the Code of Criminal Procedure independently in respect of the issues so canvassed without being influenced by any observations made by this court.

With the aforesaid observations, the present revisional application being CRR 2102 of 2022 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.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

