

D/L18
06.06.2023
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C.R.R.1912 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Srimati Sarkar @ Shrimoti Sarkar and others
Versus
The State of West Bengal and another

Mr. Kushal Mukherjee,
Mr. Diptangshu Basu.
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Anwar Hossain,
Ms. Manisha Sharma.
...for the State.

Mr. Kushal Mukherjee, learned advocate appearing for the petitioners prays for quashing of the charge-sheet arising out of Habibpur Police Station Case No.192 of 2020 dated 20.06.2020 under Sections 498A/307/34 of the Indian Penal Code. A copy of the revisional application may be handed over to Mr. Anwar Hossain, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that the main allegations in the present case is against the husband and the in-laws particularly the sister-in-law, who is married and staying in different place, and has been falsely implicated in connection with the instant case.

I have considered the submissions of the learned advocate for the petitioners and I find that the petitioners

approached this Court at a stage only when the report under Section 173 of the Code of Criminal Procedure has been filed. The documents under Section 207 of the Criminal Procedure Code are yet to be supplied by the prosecution to each of the petitioners, the stage, as such, is premature.

Petitioners would be at liberty to canvass the issues advanced in the present revisional application at the stage of consideration of charges before the learned trial court.

Needless to state that if the learned trial court is convinced by the factum of the sister-in-law staying at a different place and her complicity in the case do not justify her locus as an accused, the learned trial court would be at liberty at the stage of consideration of charges to exercise its discretion without being influenced by any observations made by this Court in the present revisional application.

With the aforesaid observations, the revisional application being CRR 1912 of 2023 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.)

