

06.06.2023

Item No.52
Ct.No.34
dc.

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

C.R.R. 2440 of 2022

**Ava Adak & Ors.
versus
The State of West Bengal & Anr.**

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

Mr. Mrityunjoy Chatterjee,
Mr. T. Hazra ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Saryati Datta ... For the State.

Mr. Jaydeep Biswas,
Mr. Kaushik Ghosh ... For the Opposite Party No.2.

Mr. Chatterjee, learned advocate appearing for the petitioners challenges the initiation and continuation of Bagnan Police Station Case No. 326 of 2022 dated 22.06.2022 under Sections 498A/325/406/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

On perusal of the revisional application it reflects that the stage at which the petitioners approached this Court is at that stage when the investigation of the case was under progress.

Mr. Mukherjee, learned Public Prosecutor along with Mr. Saryati Datta, learned advocate appears for the State.

Mr. Kaushik Ghosh, learned advocate appears for the opposite party no.2.

Copies of this revisional application may be served upon the learned advocates for the State as well as the opposite party no.2.

I have considered the submissions advanced by the learned advocates appearing for the petitioners who has emphasized of the fact of the previous litigations existing between the parties including the observations made by a co-ordinate Bench of this Court in an application under Article 226 of the Constitution of India. There are issues relating to facts. Having considered that the stage at which the petitioners approached, the investigation was in progress and the report under Section 173 of the Code of Criminal Procedure was to be submitted, I am of the opinion that at this stage where the FIR/letter of complaint implicates the petitioners, the truth or falsity in respect of their complicity in the case should be assessed. The petitioners would be at liberty to approach this Court once the investigating agency arrives at its finding and the documents under Section 207 of the Code of Criminal Procedure are made available to the petitioners.

Needless to state that the investigating officer would be at liberty to come to his own conclusion in spite of any observations made by this Court and should not unnecessarily implicate any accused in connection with the instant case.

With the aforesaid observations, the revisional application being CRR 2440 of 2022 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.)