

17.07.2023
Serial no. 9
[G.S.D]

CRR 2559 of 2023

In the matter of : Dr. Deepak Shankar Roy

... .. Petitioner

Ms. Malabika Saha

... for the Petitioner

Mr. Aneek Pandit.
Ms. Sonakshi Mitra
Mr. Ali Rizni
Mr. Z. Jain
Mr. Avijit Kundu

... .. For the Defacto-complainant

The petitioner is directed to serve a copy of this revisional application upon Ms. Manisha Sharma, Learned Advocate, who ordinarily appears on behalf of the State and also on the Learned Advocate, who is representing the Private Opposite Party No.2.

Learned Advocate appearing for the petitioner submits that there are number of litigation pending between the parties. The lady after a considerable period of time lodged the present case. The facts which have been narrated in the FIR/Letter of Complaint addressed to the Parnasree P.S., is falsification of events and narration of twisted facts.

It has also been submitted that the present petitioner is affected by *Asthma*, *Blood Pressure* and other

diseases, and is also engaged in a medical treatment of his mother.

Learned Advocate was confronted with the allegations in the FIR wherein the lady has alleged vilifying campaign of maligning her and humiliating her through e-mail. Whether the same amounts to mental torture or not is to be assessed in course of investigation.

The petitioner obviously would be at liberty to bring the same to the notice of the Investigating Agency.

Having regard to the nature of the allegations which are under Sections 498A/34 of the Indian Penal Code, the liberty of the petitioner, at any cost, would not be prejudiced without adhering to the guidelines as laid down by the Hon'ble Supreme Court in *Arnesh Kumar*.

The petitioner would be at liberty to exhaust other remedies available under the law but so far as the factual assumptions are concerned, at this stage, it is not possible for this Court to hold that no case has been made out.

With the aforesaid observations, the Revisional Application, being CRR 2559 of 2023, is disposed of. Pending application(s), if any, is also disposed of.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)