

14.06.2023

Item No.19

Ct.No.34

Sayandeep

C.R.R. 2739 of 2022

Kartick Chandra Barman & Ors.

versus

The State of West Bengal & Anr.

Mr. Arnab Chatterjee

Mr. Nimai Ray

... For the Petitioners.

Mr. Arijit Ganguly

Mr. Sanjib Kr. Das

.....for the State

The petitioners are directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, who ordinarily appears on behalf of the State. His appearance should be regularized by the concerned authority.

The subject matter of challenge in the present revisional application relates to Jagaddal P.S. case No. 713 of 2019 dated 14.08.2019 under Sections 498A/308/406/509 of the Indian Penal Code wherein charge-sheet has been submitted under Section 498A/34 of the IPC.

Mr. Arnab Chatterjee, learned advocate appearing for the petitioners submitted that the allegations made in the charge-sheet do not make out any offence for implicating the present petitioners as the marriage is a void marriage. Learned advocate also submits that on hypothetical narration of facts, the police authorities while conducting a perfunctory investigation submitted charge-sheet before the jurisdictional Court and finally after taking cognizance of

the offence record was transmitted to the learned Judicial Magistrate, 5th Court, Barrackpore.

Mr. Arijit Ganguly, learned advocate appearing for the State opposes such contentions of the learned advocate for the petitioners.

I have considered the arguments advanced on behalf of both the parties and I find from the records of the case that the documents under Section 207 of the Code of Criminal Procedure are yet to be handed over/supplied to the accused persons. Petitioners at this stage are not aware regarding the foundations of the prosecution case. As such, petitioners are granted liberty to take out appropriate application under Section 239 of the Code of Criminal Procedure before the learned Judicial Magistrate, 5th Court, Barrackpore at the stage of consideration of charges. The learned Magistrate would consider such application in its true and proper perspective without being influenced by any observation made by this Court while disposing of the present application.

With the aforesaid observations, CRR 2739 of 2022 is disposed of.

Pending applications, 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.

(Tirthankar Ghosh, J.)