

24.07.2023

Item No.33
Ct.No.34
dc.

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

C.R.R. 2662 of 2023

In the matter of : **Smt Dipa Dey & Anr.** ... Petitioners.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha ... For the Petitioners.

Mr. Tanmay Kumar Ghosh,
Mr. Mirza Firoj Ahmed Begg ... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Mr. Tanmay Kumar Ghosh, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The subject-matter of challenge is the charge-sheet which has been submitted before the learned jurisdictional court by the police authorities in connection with Narendrapur Police Station Case No. 978 of 2021 dated 09.08.2021. The present petitioners happen to be the mother-in-law and the elder brother-in-law.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that the petitioner no.2 is working in defence. At the relevant period of time, he was engaged at Patna office. So far as the petitioner no.1 is concerned, she is suffering from serious ailments. There are medical documents to that effect and the accusations which have been made in the complaint or the documents under Section 207 of the Code of Criminal Procedure so far as the present petitioners are concerned do not make out any offence under the relevant provisions of law for which they have been charged.

I have considered the submissions advanced by the learned advocates appearing for both the parties. There are allegations and counter allegations as also plea of innocence based on documentary evidence. The stage before the learned trial court is for consideration of charges. The petitioners would be at liberty to take out an application under Section 239 of the Code of Criminal Procedure and produce materials in support of their contentions which would be considered by the learned Magistrate, if they are of sterling quality and are unimpeachable in nature.

The learned Magistrate will independently consider the application under Section 239 of the Code of Criminal Procedure on merits without being influenced by any observations made by this Court while disposing of this revisional application.

With the aforesaid observations, the revisional application being CRR 2662 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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.)