

07-06-2023
Subha
Item no.03
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2865 of 2022

Dr. Ashim Kumar Naskar & Ors.
-versus-
State of West Bengal & Anr.

In Re : An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure.

Ms. Aiswariya Gupta
.for the petitioners.

Mr. Ranabir Roy Chowdhury
Mrs. Anasuya Sinha
...for the State.

Learned advocate for the petitioner challenges the contents and merits of the chargesheet which has been submitted before the jurisdictional court.

Learned advocate submits that there are no materials to support the allegations under Section 307 of the Indian Penal Code and the plea taken by the de facto complainant is unacceptable without being supported by any medical document.

It is further submitted that in the present case marriage was solemnized in the year 2012 and after 7 years the petitioner not only implicated the in-laws but an acquaintance of the family under the relevant provisions of law. Emphasis has been laid on the issue that the allegations in the chargesheet and the accompanying documents failed to make out any case of further continuance

before a court of law.

Petitioner is directed to serve a copy of the revisional application upon Mr. Ranabir Roy Chowdhury, learned advocate who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course. .

I have considered the submissions of the learned advocate appearing for the petitioners and I find that the case was instituted in the year 2019, chargesheet was submitted in the year 2021. Till date the case has not been committed to the court of sessions in spite of the fact that Section 307 of the Indian Penal Code is incorporated in the chargesheet. At this stage this court is reluctant to analyze and scrutinize the totality of the merits on the basis of the statements under Section 161 of the Code of Criminal Procedure and the other documents so relied upon.

Petitioners would be at liberty to take out an appropriate application under Section 227 of the Code of Criminal Procedure before the learned trial court, learned trial court would apply its mind regarding the complicity of each of the petitioners in connection with the instant case as also asses regarding the applicability of the sections which the Investigating Agency has incorporated in the chargesheet without being influenced by any observations made by this court while disposing of the present revisional application.

With the aforesaid observations, the present revisional application being CRR 2865 of 2022 is disposed of.

All Pending applications, if any, are disposed of accordingly.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]