

21-06-2023
Subha
Item no. 43
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

CRR 2889 of 2022

***Sandip Shaw & Ors.
-versus-
State of West Bengal & Anr.***

Mr. Ashis Kumar Chowdhury
Mr. Rajib Ghosh
Mr. Avijit Kar
....for the petitioner.

Mr. Md. Anwar Hossain
Ms. Sreyashee Biswas
...for the State.

Petitioners are directed to serve a copy of the revisional application upon Mr. Md. Anwar Hossain, learned advocate who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

The subject matter of challenge relate to Liluah P. S. Case No. 58 of 2022 dated 06.02.2022 under Sections 498A/326A/34 of the Indian Penal Code read with Sections 3 and 4 of the D. P. Act.

The Investigating Agency on conclusion of investigation has submitted the chargesheet before the jurisdictional court.

Learned advocate appearing for the petitioners is aggrieved by the fact that this case happens to be a second FIR and the de facto-complainant has instituted this case when she was at her parental home. The documents which have been relied upon by the prosecution are yet to be served upon the petitioners and the distinctive feature in this case is the applicability of Section 326A of

the Indian Penal Code wherein an opinion has been expressed by the Investigating Officer of the case whether the same are from medical documents are to be ascertained after scrutinizing documents collected by the Investigating Agency. The application and the issues so canvassed are premature.

Petitioners would be at liberty to canvass such points by way of taking out an application in the nature of Sections 239/227 of the Code before the learned trial court at the stage of consideration of charges after the copies under Section 207 Cr.P.C are supplied to them.

Needless to state that this court has not gone into the merits of the case and, as such, learned trial court would independently dispose of the application without being influenced by any observations made by this court.

With the aforesaid observations, the present revisional application being CRR 2889 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

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]

