

13-02-2023
Subha
Item no.24
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2507 of 2021

Sri Dipesh Bhattacharya & Anr.

-versus-

The State of West Bengal & Anr.

Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Kajal Mukherjee
Mr. Bikash Chakraborty

.....for the petitioner.

Ms. Sreeparna Das

...for the State.

Mr. Debasis Kar
Mr. Arka Bhadra

...for the O.P No. 2.

Affidavit of service so filed be kept with the record.

Learned advocate for the petitioners draws the attention of the court to certain documents contending that the jewelleries were earlier returned and also the specific allegations in the application under Section 156(3) of the Code of Criminal Procedure wherein, according to the petitioners, the allegations are pointed to the husband and there is hardly any material for continuing the proceedings so far as the father-in-law and mother-in-law is concerned.

Mr. Kar, learned advocate appearing for the private opposite party on the other hand drew the attention of the court to the relevant part where the petitioners' involvement are reflected so far as the victim lady was driven out of the home.

Ms. Sreeparna Das, learned advocate appearing for the State

produces the case diary. Firstly, in the case diary the documents which have referred to by the learned advocate for the petitioners are not reflected.

The intrinsic value of a document is to be tested on the anvil of its admissibility and the court cannot enter into the shoes of an Investigating Agency to find out the truth or the genuinity of the documents.

The contention of the learned advocate for the petitioners so far as the return of the jewelleries are concerned, are on the basis of the Photostat copy of the documents which were signed, one by the petitioner and the other by the father of the opposite party no. 2 are to be tested by way of cogent evidence as the said documents were not available with the Investigating Agency.

There has been also a change of circumstance so far as the present stage of the case before the learned Magistrate is concerned, as the chargesheet has already been submitted and the statements of the witnesses are to be taken into consideration to test the veracity of the allegations made therein in the background of the continuation of the proceedings.

Learned advocate for the petitioners submits that they are yet to receive such documents under Section 207 of the Code of Criminal Procedure.

In view of the aforesaid, the petitioners are granted liberty to agitate the points canvassed in the present revisional application along with the other issues before the learned Magistrate at the stage of the consideration of charge.

Petitioners would be at liberty to approach this court after such process is exhausted by the learned Magistrate.

With the aforesaid observations, the present revisional application being CRR 2507 of 2021 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]