

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

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3207 of 2022

Arpita Chakraborty
-versus-
The State of West Bengal & Anr.

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

Mr. Supriyo Das
.....for the petitioner.

Mr. Imran Ali
Ms. Manisha Sharma
...for the State.

The revisional application was preferred challenging the continuance of Patuli P. S. Case No. 04 of 2022 dated 06.01.2022 under Sections 498A/406/509/34 IPC and Sections 3 and 4 of the Dowry Prevention Act.

According to the petitioner she do not come within ambit of any of the matrimonial relations and has been falsely implicated in connection with the proceedings under Section 498A of the Indian Penal Code.

I find from the enclosures of the present revisional application that the petitioner approached this court immediately after the chargesheet was submitted before the jurisdictional court.

Petitioner is directed to serve a copy of the revisional application upon Mr. Imran Ali, learned advocate who ordinarily

appears on behalf of the State. Mr. Imran Ali, learned advocate and Ms. Manisha Sharma, learned advocate are directed to represent the State. Their appointments may be regularized by the concerned Authorities in due course.

On an appreciation of the contents advanced in the revisional application, the submissions advanced by the learned advocate for the petitioner and the learned advocate for the State including the stage at which the petitioner approached this court, I am of the view that the accompaniments at this stage are not available with the petitioner for consideration of this court.

Petitioner would be at liberty to canvass the points advanced in the present revisional application by taking out an appropriate application under Section 239 of the Code of Criminal Procedure if so advised before the learned trial court.

The learned trial court while deciding such application under Section 239 of the Code of Criminal Procedure particularly with regard to the locus of the present petitioner would assess whether all the sections under which the chargesheet has been filed is applicable to the present petitioner or not.

Needless to state that the aforesaid observations is irrespective of the fact whether the materials relied upon by the prosecution do make out any case so far as the present petitioner is concerned.

With the aforesaid observations, the present revisional application being CRR 3207 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]