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08.09.2023
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Ct 14

WPA 19554 of 2023

Aparna Das
-vs-
State of West Bengal & ors.

Mr. Kunal Ganguly
....for the petitioner

Mr. Md. Sabir Ahmed
Mr. Tasnim Ahamed
...for the respondent nos. 6 to 12
Mr. Wasim Ahmed
Mr. Sk. Md. Masud
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the defacto-complainant wife. At her instance, Dubrajpur Police Station Case No. 158 of 2023 dated 19.07.2023 was registered under Sections 498A, 323, 325, 406 and 34 of the Indian Penal Code. In 2016, the petitioner and the private respondent no.6 got married. In 2017, a child was born. After that, the torture for dowry demand increased. On 28.06.2023, the accused tried to strangulate the petitioner. Somehow she could be saved. She was sent to the hospital. The Medical report will bear out such assault. Yet, Section 307 of the Penal Code was not

added in the array of charges.

Learned counsel appearing on behalf of the private respondents submits as follows. The petitioner filed an application in this regard before the learned Magistrate. The said prayer was rejected.

Learned counsel appearing on behalf of the State files a report and submits that investigation is going on properly. At best, the petitioner could have filed a criminal revision against the order of rejection by the learned Magistrate.

It appears that the petitioner has already ventilated her grievance about non-addition of Section 307 of the Penal Code before the learned Magistrate. If the same has not been rejected, the same shall be considered by the learned Magistrate in accordance with law. If it has already been rejected, it shall be open to the petitioner to file a revision application before the criminal Court.

It is needles to mention that if a charge of Section 307 of the Penal Code is actually made out after completion of investigation, it can fairly be included in the charge sheet, if any.

Be that as it may, since the petitioner can avail of the alternative remedy of filing a revision, this Court would not intervene in this matter.

Let the Investigating Officer carry out the investigation expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)