

20.09.2023
Serial no. 58
[G.S.D]

CRR 3260 of 2022

In the matter of : Uma Shankar Roy

... .. Petitioner

Mr. Moinak Bakshi

... For the petitioner

Mr. S. G. Mukherjee
Mr. Pravas Bhattacharya
Mr. M.F.A. Begg

... for the State

The petitioner is directed to serve a copy of this revisional application upon Mr. Pravas Bhattacharya, learned advocate, who ordinarily appears on behalf of the state. His appearance may be regularised by the concerned authority.

Ld. Advocate for the petitioner submits that initially there was a case instituted in the year 1992, where the husband faced trial and, thereafter, he was acquitted. Subsequently, both the parties resided together over a considerable period of time.

However, they could not continue their life and, as such, divorce case was filed at the instance of the husband. As a counter-blast to such matrimonial suit, the present case being Purulia (T) P.S. Case No. 27 of 2022 dated 27.1.2022 was registered for investigation.

Records of the case reflect that investigating agency on completion of investigation submitted charge-sheet under sections 498A/323/34 of the IPC. The petitioner till date has not received the copies and the documents on which prosecution proposes to rely on to prove its case under Section 207 of the Cr.P.C.

Having considered the stage, at which the petitioner approached this Court challenging the continuation of the proceedings, I am of the opinion that the same is at a prematured stage.

However, the petitioner would be at liberty to challenge the proceedings by way of filing an application under Section 239 of the Cr.P.C. before the jurisdictional Court. The jurisdictional court at the said stage would dispose of the application in accordance with law without being influenced by any of the observations made by this court.

With the aforesaid observations, CRR 3260 of 2022 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)

