

13.02.2023

Item No.25
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2615 of 2021

**Ramnarayan Acharjee & Ors.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Apurba Kumar Datta ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Ms. Sujata Das ... For the State.

Mr. Fazle Rabi,
Mr. Arunabha Ghosh ... For the Opposite Party No.2.

Petitioners are aggrieved by the charge-sheet submitted in connection with Mejia Police Station Case No. 14 of 2021 dated 11.02.2021 corresponding to G.R. Case No. 158 of 2021 and the cognizance taken by the learned Magistrate in respect of the offences complained of in the charge-sheet under Sections 498A/323/406 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

Learned advocate appearing for the petitioners submits that there is hardly any allegation against the present petitioners and the complainant even without returning back to her matrimonial home after withdrawing the first case being Raniganj Police Station Case No. 268 of 2018 dated 08.09.2018 initiated the present case. According to the learned advocate, the present case was initiated on embellished and manufactured facts in order to rope in a large number of relatives. In fact, the petitioner no.5 who is in no way associated has been falsely implicated in the instant

case on the basis of the statement made by the complainant and the learned Magistrate without adverting to the contents of the materials so passed mechanically took cognizance of the offences thereby asking the present petitioners to face ordeal of criminal trial.

Learned advocate appearing for the private opposite party no.2 opposes the contentions of the petitioners and submits that mere submission of charge-sheet is an opinion of the investigating agency and the case is based on materials so collected. There are specific allegations against each of the accused persons and to that effect, the learned advocate submits that the case may be remanded back to the learned trial court.

Learned advocate appearing for the State also opposes the contentions and submits that *prima facie* case has been made out for facing the trial.

I have considered the contentions advanced by the learned advocates for the petitioners, private opposite party no.2 and the State. Having regard to the stage of the case wherein the documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioners, I am of the opinion that the reason so assigned for interference is to be considered after taking into account the materials collected by the investigating agency. As such, the petitioners are granted liberty to prefer an application under Section 239 of the Code of Criminal Procedure, if so advised before the learned Magistrate. The learned Magistrate would consider the contentions so advanced in accordance with law.

The petitioners would be at liberty to approach this Court provided they are dissatisfied with the order passed by the learned Magistrate.

No interference is called for at this stage.

With the aforesaid observations, the revisional application being CRR 2615 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)