

17.08.2023

Item No.6
Ct.No.34
dc.

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

C.R.R. 3374 of 2022

In the matter of : **Smt. Sukla Das & Anr.** ... Petitioners.

Mr. Debasis Kar ... For the Petitioners.

Mr. Arijit Ganguly,
Ms. Debjani Sahu ... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Mr. Arijit Ganguly, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

In the present case, the subject-matter of challenge is restricted to two of the accused persons viz. Sukla Das and Raju Rui Das who are the sister-in-law and her husband. The petitioners have approached this Court after charge-sheet was submitted and the documents under Section 207 of the Code of Criminal Procedure were supplied to them. The present case is a case under Sections 498A/304/34 of the Indian Penal Code. The jurisdiction of this Court while exercising its power under Section 482 of the Code of Criminal Procedure is for the purpose of assessment whether any case has been made out for termination or not. Having regard to the stage of the case, I am of the opinion that in order to arrive at such finding, mere issues which have been canvassed by the learned advocate such as delay, staying of the petitioners at a different place are not very relevant. The court has got to at least check in the statements whether a

prima facie case is made out or not. At the stage of Section 156(3) of the Code of Criminal Procedure, the complainant has made some allegations. The corroborations in the statement under Section 161 of the Code of Criminal Procedure are to be tested at the stage of consideration of the charges.

Accordingly, I direct that the petitioners would take out an application under Section 227 of the Code of Criminal Procedure before the learned trial court. The learned trial court prior to consideration of the charges would dispose of the said application.

Needless to state that the learned trial court would independently consider the same without being influenced by any observations made by this Court.

With the aforesaid observations, the revisional application being CRR 3374 of 2022 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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.)