

M/L53
02.01.2023
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C.R.R.2704 of 2021

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

Barsha Ghosh
Versus
The State of West Bengal and another

Mr. Supratik Basu,
Ms. Bratati Pramanick,
Mr. Shuvam Shaw.
...for the petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.
...for the State.

Report submitted by Mr. Sur, learned advocate appearing
for the State be kept with the record.

Report reflects that service was effected upon the private
opposite party no.2. In spite of service, none appears on behalf of
the opposite party no.2.

The subject matter of challenge relates to New
Barrackpore Police Station Case No.305 dated 24.09.2021 under
Section 406 of the Indian Penal Code. The police authorities on
conclusion of investigation submitted their charge-sheet before the
jurisdictional court under Section 406 of the Indian Penal Code
against the present petitioner, namely, Barsha Ghosh.

The background of the case relates to a matrimonial
dispute between the petitioner and the private opposite party no.2.
The petitioner initiated a case under Section 498A of the Indian

Penal Code which gave rise to Matigara Police Station Case No.62 dated 25.01.2021. A case was also initiated by the petitioner under the provisions of Section 12 of the P.W.D.V. Act. Subsequently, on the basis of an application under Section 156(3) of the Code of Criminal Procedure, the present case being New Barrackpore Police Station Case No.395 dated 24.09.2021 was registered for investigation.

The revisional application was preferred at the stage when the FIR was registered but subsequently during pendency of the revisional application, charge-sheet has been submitted before the jurisdictional court. The preset petitioner needs to assess the case in a different aspect on the basis of the documents which will be relied upon by the prosecution as well as the statement of the witnesses.

Petitioner is granted liberty to approach this Court after the documents under Section 207 of the Code of Criminal Procedure are supplied to the petitioner.

With the aforesaid observations, CRR 2704 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

As the petitioner is a permanent resident of Siliguri, District-Darjeeling, the learned Magistrate in *seisin* of the present case would allow the petitioner to be represented by her learned advocate under Section 205 of the Code of Criminal Procedure/317 of the Code of Criminal Procedure until the proceedings cannot progress without the physical presence of the petitioner.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)