

29-08-2023
Subha
Item no. 02
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 3186 of 2023

Koushik Dutta and ors.
-versus-
State of West Bengal and Anr.

Mr. Milon Mukherjee, Sr. Advocate
Mr. Aritra Bhattacharya
....for the petitioners.

Mr. S. G. Mukherji, ld. PP
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
...for the State.

Petitioners are directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

The petitioner before this court are the husband, father-in-law and the mother-in-law of one Anindita Kar(Dutta) at whose instance Bongaon Police Station Case No. 373 of 2020 dated 05-07-2020 under Sections 498A/406/34 of the Indian Penal Code.

The Investigating Agency after initiation of the investigation concluded the same and submitted chargesheet under the same sections.

Learned senior advocate for the petitioners submitted that the petitioners have been falsely implicated in connection with the instant case and unnecessarily they are regularly attending the court.

Having regard to the fact that the chargesheet has been submitted and the documents under Section 207 of the Code of

Criminal Procedure are yet to be supplied to the accused persons, I am of the opinion that the foundation on which the chargesheet was submitted by the Investigating Agency is to be scrutinized and assessed before coming to the conclusion as to whether a prima facie case has been made out against the petitioners.

In view of the aforesaid, I direct that the petitioners would be at liberty to canvass the points advanced in the present revisional application after receiving the copies under Section 207 of the Code of Criminal Procedure either by way of taking out an application under Section 239 of the Code of Criminal Procedure or challenging the same before this Hon'ble Court.

It has been submitted that the petitioner nos. 2 and 3 namely, Kalyan Dutta and Snigdha Dutta are aged persons who are facing difficulties for attending the court physically. In case application under Section 205 of the Code of Criminal Procedure is filed before the learned jurisdictional court with usual undertakings, the learned court/Magistrate will not insist on their physical appearance regularly until and unless the case cannot progress without their physical presence.

With the aforesaid observations, the revisional application being CRR 3186 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

