

31.07.2023
Item no.11.
Court No.34.
AB

CRR No. 3652 of 2022

In the matter of : Pratap Ranjan Koley & Anr.

.....Petitioners.

Mr. Jaydip Basu,
Mr. Sugata Mukhopadhyayfor the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Danfor the State.

The petitioners are directed to serve a copy of this revisional application upon Mr. Arijit Ganguly, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularized by the concerned authority.

Learned Advocate appearing for the petitioners submits that the present petitioners are the father-in-law and mother-in-law respectively and they have been falsely implicated in the instant case. The first information report was registered after the application for restitution of conjugal rights was filed at the instance of the husband. The charge sheet has been submitted which is simply a replica of the first information report.

However, on perusal of the enclosures to the revisional application, I do not find that the documents, on which the prosecution has arrived at its finding in respect of the report under Section 173 Cr.P.C., are not either available with the

petitioners or are yet to be served upon them by the jurisdictional court.

Be that as it may, the petitioners upon receipt of copies under Section 207 Cr.P.C. would be entitled to prefer an application under Section 239 of the Code of Criminal Procedure.

Learned Magistrate will consider the said application in its proper perspective without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR No. 3652 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)