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01.09.2023
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C.R.R.3702 of 2022

In Re: An application under Sections 397 and 401 read with Section 482 of the Criminal Procedure Code, 1973;

Bharat Maiti and another
Versus
The State of West Bengal and another

Mr. Somnath Ghoshal
Mr. Satyajit Senapati.
...for the petitioners.

Ms. Baisali Basu.
...for the State.

Leave is granted to the learned advocate appearing for the petitioners to correct the cause title of the revisional application.

Petitioners are directed to serve a copy of the revisional application upon Ms. Baisali Basu, learned advocate, who ordinarily appears on behalf of the State. Her appointment may be regularised by the concerned authorities.

At the inception learned advocate appearing for the petitioners has submitted a receipt of the Office of the High Court Legal Services Committee depositing an amount of Rs.5,000/-. Let the same be kept with the record.

Learned advocate appearing for the petitioners has challenged the FIR of Sandeshkhali Police Station Case No. 351 of 2016 dated 20.07.2016 which was registered under Sections 498A/323/354/506/34 of the Indian Penal Code.

Learned advocate submits that the present petitioners are the parents-in-law of the opposite party no.2. According to the

learned advocate, the opposite party no.2 was residing separately and marital tie was snapped in year 2015 consequent to the same proceeding criminal case has been instituted with mala fide.

Having regard to the period of time which has lapsed particularly the FIR which was registered, the charge-sheet was submitted on or about 14th August, 2016 and more than 7 years have passed in the meantime at this belated stage, I am not inclined to interfere solely on the foundation of the report under Section 173 of Cr.P.C. As the documents under Section 207 of the Code of Criminal Procedure have not been enclosed, I am of the opinion that the manner in which the revisional application has been preferred before this Court is lacking materials for consideration of this Court.

Learned advocate submits that after filing of the charge-sheet nothing has progressed before the learned trial court.

In view of the aforesaid, if the charges till date has not been framed, I direct that in case the petitioners take out an application under Section 239 of the Code of Criminal Procedure before the jurisdictional Magistrate in seisin of the matter praying for discharge, the learned Magistrate would consider the same in accordance with law without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 3702 of 2022 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)