

22.06.2023
Item No.66
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 4092 of 2022

In the matter of : **Chandra Sekhar Koley & Ors.** ... Petitioners.

Mr. Mahammad Mahmud,
Mr. M. S. Mollah ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Imran Ali,
Mr. Manoranjan Mahata ... For the State.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Mr. Imran Ali, learned advocate along with Mr. Manoranjan Mahata, who ordinarily appear for the State. Their appointment may be regularised by the concerned authorities.

The petitioners have challenged the charge-sheet submitted in connection with Nischinda Police Station Case No. 232 of 2021 dated 14.12.2021 under Sections 498A/323/494/406/354/509/34 of the Indian Penal Code which is pending before the learned Chief Judicial Magistrate, Howrah.

Learned advocate for the petitioners submits that the wife segregated her life from that of the matrimonial family in the year 2012 and was staying at a different place. She also refused to return back to the matrimonial home. Learned advocate submits that there are documents relating to letters of divorce. Learned advocate also submits that unnecessarily whole of the family has been dragged in the criminal case particularly the sister-in-law and the brother-in-law who are

permanent residents of Delhi and had no day to day interaction or involvement with the in-laws family of the complainant. According to the learned advocate, the present criminal case is harassive with an ulterior motive of wreaking vengeance upon the in-laws for no fault of them. Certain documents have been enclosed along with this revisional application and attention of the Court was drawn to the said documents.

Mr. Imran Ali, learned advocate for the State opposes the contentions advanced on behalf of the petitioners and submits that as the investigating agency on conclusion of investigation has come to a finding that a *prima facie* case has been made out, it would not be fit and proper to terminate such case at this stage without taking the same to its logical conclusion.

I have considered the submissions advanced by the learned advocates appearing for the petitioner and the State. The documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioners. The petitioners have canvassed certain points which are within their knowledge. The same were presumably not brought to the notice of the police authorities.

The petitioners would be at liberty to canvass the points advanced in the present revisional application along with other issues which they find after they receive the copies and documents under Section 207 of the Code of Criminal Procedure by taking out appropriate application in the nature of Section 239/227 of the Code of Criminal Procedure.

The learned trial court would consider the prayers of the petitioners in accordance with law without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, the revisional application being CRR 4092 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.)