

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 4155 of 2022

**Arunabha Acharya & Ors.
Vs.
State of West Bengal & Anr.**

**For the petitioners : Mr. Krishan Ray,
Mr. Sekhar Mukherjee,
Mr. Sreyash Mohta**

**For the opposite
Party no. 2 : Mr. Amal Kumar Banerjee**

Judgement on : 13.04.2023.

Bibek Chaudhuri, J.

Institution of Asansol (South) Police Station Case No. 424/2020 dated 18th December, 2020 under Sections 498A/323/406 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 by the opposite party no. 2 corresponding to GR Case No. 2754/2020 has a checkered background. Marriage of petitioner no. 1 was solemnized with the opposite party no. 2 sometimes in the month of March, 2019. After marriage the petitioner no. 1 came to know that the opposite party no. 2 had extra-marital affair with one Utsabendu Goopta. Over the said issue matrimonial dispute cropped up. The petitioner no. 1 filed a suit for divorce in the month of

October, 2020. The opposite party then left her matrimonial home after receiving the notice of the said suit for divorce with a box containing jewelry belonging to her and also her parents-in-laws. So the father-in-law (petitioner no. 2 herein) filed an FIR in the jurisdictional Police Station. Subsequently, the opposite party no. 2 has lodged a written complaint on the basis of which the present case arose. It is submitted by the learned Advocate for the petitioners that this case is a result of retaliation with certain false and concocted story.

Having considered the submission made by the learned Advocate for the petitioners and on perusal of the record this Court finds that in the instant case charge-sheet has already been submitted against the petitioners. However, the case has not taken yet for consideration of charge. The petitioners are at liberty to raise their grievances and pray for discharge from the case at the time of consideration of charge in the Trial Court.

Since the petitioner nos. 2 and 3 are senior citizens, they are at liberty to pray for exemption of their personal appearance under Section 205 of the Code of Criminal Procedure and if such application is filed the learned Magistrate shall dispose of the same in accordance with law.

With the above order, the instant revision is disposed of.

(Bibek Chaudhuri, J.)