

01.08.2023
Serial no. 7
[G.S.D]

CRR 4246 of 2022

In the matter of : Anita Khatick & Ors.

... .. Petitioners

Mr. Debasis Kar

... For the Petitioners

Md. Anowar Hossain
Ms. Manisha Sharma

... For the State

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

Mr. Kar, Learned Advocate for the petitioners challenges the proceedings of Coke Oven P.S. Case No. 124 of 2021 dated 26.7.2021 under Section 498A/323/345/406/379/34 of the Indian Penal Code. The investigation has been completed. Charge-sheet has been submitted before the Learned Jurisdictional Court under the aforesaid sections.

The Learned Advocate for the petitioners further submits that after six months of the death of the husband, the present case was initiated against the in-laws by the wife by way of an application under Section 156(3) of the Code of Criminal Procedure.

I have considered the submissions of the Learned Advocate appearing for the petitioners and I find that although the charge-sheet/report under Section 173 of the Cr.P.C. have been enclosed along with the revisional application, but none of the document under section 207 of the Code of Criminal Procedure, on the basis of which the charge-sheet has been filed, has been enclosed.

The petitioners are yet to receive such documents under Section 207 of the Cr.P.C. As such, liberty is granted to the petitioners, to take out an application under Section 239 of the Code of Criminal Procedure before the Learned Jurisdictional Trial Court and the Learned Trial Court would, in the facts and circumstances of the present case, consider the plight as expressed by the present petitioners in view of the submissions made above and the materials collected by the Investigating Agency.

While deciding such application, the Learned Trial Court, would independently consider the issues without being influenced by any observations made by this Court, while disposing of the present revisional application.

With the aforesaid observation CRR 4246 of 2022 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly

collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)