

26.09.2023

Item No.12

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 70 of 2023

In the matter of : **Smt. Mili Das @ Das Barman & Anr.**
... Petitioners.

Mr. Arijit Ghosh ... For the Petitioners.

Mr. A. S. Chakraborty,
Mr. Nilay Chakraborty ... For the State.

Affidavit-of-service filed in Court today be kept on record.

The petitioners have challenged the continuance of proceedings in respect of Mili Das and Goutam Das who have been implicated in connection with C.R. Case No. 414 of 2021 under Sections 406/341 of the Indian Penal Code which is pending before learned Judicial Magistrate, 1st Court, Alipurduar.

Learned advocate appearing for the petitioners submits that there are no allegations against the petitioners and the petitioners have not been implicated as accused in connection with the case under Section 498A of the Indian Penal Code being Samuktala Police Station Case No. 150 of 2020 dated 20.07.2020 under Sections 498A/325 of the Indian Penal Code.

Mr. Nilay Chakraborty, learned advocate appearing for the State has produced the case diary which reflects that there was no seizure in respect of the item which was gifted as alleged by the complainant.

I have considered the allegations made in the petition of complaint as well as the evidence which has commenced particularly the deposition of witness no.1 for the prosecution. Having considered that the evidence before charge has commenced, I am of the view that at this stage it is very difficult to assess regarding the complicity of the petitioners since in examination-in-chief, the petitioners have already been named and the issues relating to gifts/dowry have also been taken up in the said examination-in-chief of the complainant Shouli Barman (Deb Roy). Having regard to the stage at which the petitioners approached this Court, I am of the view that at this stage when the evidence before charge has already commenced, there is no scope for interference in respect of the proceedings complained of.

The petitioners would be at liberty to challenge the issues canvassed in the present revisional application at the stage of consideration of charges after the evidence of charge is completed before the learned Judicial Magistrate, 1st Court, Alipurduar.

With the aforesaid observations, the revisional application being CRR 70 of 2023 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.)