

13-03-2024
Item no.46
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR No.1767 of 2023
Debjyoti Prasad Mahato & Ors.
-vs-
The State of West Bengal & Anr.

Mr. Iman Roy
Mr.,. Debangshu Bandhu ...for the petitioners

Supplementary affidavit, pursuant to the last order dated December 8, 2023, filed in court today be taken on record.

Learned advocate for the petitioners submits that the petitioners have been falsely implicated after five years of marriage at the instance of the second opposite party. According to learned advocate, the allegations are omnibus, and that no specific materials are appearing against the present petitioners to that effect. The investigating agency has also not been able to collect any evidence to submit a report under section 173 CrPC before the learned Magistrate.

I have considered the documents enclosing the supplementary affidavit as also the report under section 173 CrPC and the witnesses so proposed to be tendered by the prosecution in support of their case.

Having considered the same, I am of the view that the petitioners would exhaust their remedy under section 239 CrPC. If such application is filed, learned Magistrate would consider the same in accordance with law without being influenced by any observation made by this court.

CRR No.1767 of 2023 stands thus disposed of.

Parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Tirthankar Ghosh, J]