

11.01.2024
Sl.No. 12
Ct. 32
Amalranjan

CRR 2265 of 2016

Sudeep Agarwal
Vs.
State of West Bengal and ors.

Ms. Sujata Das.....for the State

Report submitted by the State is taken on record.

Nobody appears on behalf of the petitioner on call.
Even on earlier occasion no one represented the petitioner.
No accommodation sought for.

This case pertains to the year 2017, the nature of prayer and to avoid further delay record is taken up for the purpose of disposal on merit.

The instant revisional application has been filed by the petitioner under sections 401 read with section 482 and read with section 483 of the Criminal Procedure Code, 1973, challenging the impugned order dated 24.06.2017 passed by the learned Chief Judicial Magistrate, thereby rejected the prayer of the petitioner to direct the investigation officer to seize Stridhan property of the deceased under section 406 of the IPC.

It is contention of the petitioner that Stridhan articles were not seized during the investigation in GR Case no. 1114/2016 (State of West Bengal Vs. Kamal Jain and ors.) arising out of Howrah PS Case 118/2016 dated 20.02.2016 under sections 498A/304B/ 302 / 34 IPC pending before the learned Chief Judicial Magistrate, Howrah.

Learned advocate appearing on behalf of the State submits that after conclusion of trial, six accused persons namely, 1) Kamal Kumar Jain, 2). Lookaran Jain, 3) Smt. Puspa Devi Jain, (4) Mrs. Manju Duggar, (5) Mrs. Anju Sethia and 6) Smt. Suja Pugalia, opposite parties nos. 2 to 7 herein are found not guilty of the offences punishable under sections 498A/304B/34 IPC and they have been acquitted from the charges under section 235(1) of the Criminal Procedure Code and discharged from their respective bail bonds on 27.06.2022 by the learned additional District Judge, 3rd Court, Howrah.

It is further submitted that there is no error or ambiguity in passing the impugned order under challenged by the petitioner because FIR was lodged against the accused persons under sections 498A/306/304A/302/34 of the Indian Penal Code. Subsequently, chargesheet being no. 216/16 dated 17.05.2016 under sections 498A/304B/34 IPC had been submitted against the six accused persons. The said case was committed and charge were framed and finally they have been acquitted from the said charges on 26.7.2022 by the learned additional District Judge, 3rd Court, Howrah.

Heard and on perusal of impugned order, it appears Learned Magistrate has rightly held that who shall be rightful owner of the Stridhan articles, left by the deceased as she left the property intestate. Here succession Act applies. In this case, question of seizing stridhan article does not arises as no section 406 of the IPC was added at the time lodging FIR or at

the time of filing charge sheet. Therefore, the learned Magistrate has rejected the prayer of the defacto-complainant, as the application was found no merit.

Accordingly, I do not find any merit in this application. I also do not find any illegality or jurisdictional error or law in passing such order.

Under the above facts and circumstances of the case, the instant revisional application being **CRR 2265 of 2016** is dismissed without any order as to costs.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below for information.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)