

D/L62
27.09.2024
Bpg.
ct.no.35

W.P.A.19139 of 2024

**Arpita Mondal
Versus
The State of West Bengal & others**

Ms. Reshmi Khatun
Mr. Abhinaba Mukherjee.
...for the petitioner.

Mr. K.J. Yusuf
Mr. Parikshit Goswami.
...for the State-respondents.

Mr. Arnab Chatterjee
Ms. Poulami Bose
Ms. Dhanasree Biswas.
...for the respondent nos.6 to 10.

Report submitted by Mr. Yusuf, learned
Government Pleader, be kept with the record.

The grievance of the petitioner is that in
connection with Bagdah Police Station Case No.1058
of 2023, the Investigating Authorities completed the
investigation and submitted their charge-sheet but
the case being under Sections
498A/406/325/506/34 of the Indian Penal Code, the
jewellerries, as claimed by the de facto complainant,
were not seized.

Learned advocate for the petitioner submits
that although other articles were seized, but no efforts
were made to recover the gold jewellerries.

Learned advocate for the State submits that the matrimonial home of the petitioner was searched in presence of the petitioner and there was a nil seizure list pursuant to a complaint being filed.

I do not find that from the report it reflects that any efforts were made by the police authorities to search the bank locker, if any of the accused persons.

Learned advocate for the private respondent nos.6 to 10 is present and opposes the contentions.

However, having considered the plight expressed by the learned advocate for the petitioner that she is having bills relating to the gold jewellerys which were given at the time of marriage, I direct the petitioner that she would be at liberty to take out an application for further investigation under Section 173 (8) of the Cr.P.C. and Section 193(9) of BNSS before the jurisdictional court. The jurisdictional court will pass necessary directions upon the police authorities on inspection of the documents so enclosed along the application. If such application is preferred by the petitioner, the same should be disposed of within a month from the date of the same being filed.

With the aforesaid observations, WPA 19139 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)