

Sl.No.
56 11.11.2024
Court
No. 35
G.S.Das

WPA 26489 of 2024

Kuheli Dey nee Chakraborty
-Vs-
The State of West Bengal & Ors.

Mr. Achin Jana
Mr. Suman Chakaborty
Mr. Prosenjit Ghosh
Mr. Bhaskar Dolui
... for the petitioner
Mr. Suman Ghosh
Mr. Sankha Prasad Roy
... for the State-respondent

The petitioner is aggrieved by the fact that none of the *stridhan* articles were recovered in course of investigation of the case, as such, she has approached this court.

The petitioner is also aggrieved by the mode and manner of investigation and the way the investigating authority without recovering the *stridhan* articles submitted charge-sheet before the jurisdictional court, thereby, paving the way for her husband

and his relations for enjoying her *stridhan* articles which are in their custody.

Learned advocate for the State has submitted a report and also drawn the attention of the court to the complaint.

The petitioner being distressed may have not pointed out the *stridhan* articles which were left by her at her matrimonial home, as last part of the complaint states that she was assaulted and abused to such an extent that within a close proximity of time of marriage being unable to bear such torture, she was compelled to leave the matrimonial home.

However, it is because of the circumstances and mental condition, the petitioner could have missed the allegations relating to *stridhan* articles in her letter of complaint addressed to the

officer-in-charge of Jorabagan P.S.

However, as the charge-sheet has already been submitted under Sections 498A/34 of the IPC read with Section 4 of the DP Act, even then, none of the *stridhan* articles are allegedly recovered.

It is submitted on behalf of the State that there was no specific allegation as such the investigation did not cover the aspect of *stridhan* articles.

Be that as it may, as the charge-sheet has already been submitted, I grant liberty to the petitioner to approach the jurisdictional court under Section 173(8) of the cr.p.c. or 193(9) of the BNSS.

The list of *stridhan* articles, which have been enclosed along with the writ petition, be made part and parcel of the application before the learned Magistrate. The learned Magistrate will pass necessary

directions. The investigating agency will, thereafter, assess regarding the grievance of the petitioner in the application for further investigation.

If such an application is filed, the same should be disposed of within a period of 45 days from the date of filing of the application.

However, the petitioner would be at liberty to canvass all the issues, which has been addressed in the present writ petition, before the learned Magistrate, when such an application for further investigation is preferred.

With the aforesaid observations, WPA 26489 of 2024 is 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.

(Tirthankar Ghosh, J.)

