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Court

No. 35

G.S.Das

Minakshi Tiwari

-Vs-

The State of West Bengal & Ors.

Mr. Dhananjay Banerjee

... for the petitioner(s)

Mr. Amitesh Banerjee, Id. Sr. St. Counsel

Mr. Debangshu Dinda

... for the State-respondent(s)

The petitioner is aggrieved by the fact that charge-sheet has been submitted in connection with Baguiati P.S. Case No. 324 of 2022 dated 11.08.2022 on or about 30.05.2023.

The main grievance of the petitioner is that none of the *stridhan* articles were seized and the police authorities arbitrarily submitted charge-sheet under Sections 498A/323/406/506 of the IPC read with Section 3 and 4 of the D.P. Act, 1961.

Learned advocate appearing for

the State has drawn the attention of the court to a part of the report, wherein, it states that a raid was conducted at Sukhpura Police Station for recovery of the *stridhan* articles. But, at that time, the defacto-complainant, namely, Minakshi Tiwari, refused to identify the articles and on such comment, the seizure list was prepared 'Nil'.

A written statement was also given to the I.O. by Vishal Sukla with an assurance of handing over the gold jewelleryes and other *stridhan* articles to the defacto-complainant within 15th of May, 2023. To that effect, a report was also submitted on 30th of March, 2023 before the Id. CJM.

Report furnished by the State also reflects that the prayer for issuance of warrant of arrest against the FIR named accused persons except Vishal Sukla was

submitted during submission of charge-sheet.

In view of the main grievance of the petitioner is that her *stridhan* articles have not been recovered in connection with the instant case, I direct that, in case, any prayer for further investigation is not preferred till date, the petitioner would file an application under Section 173(8) of the Cr.P.C. before the learned jurisdictional Magistrate.

The learned Magistrate, in this case, would depute an officer of the Bidhannagar Police Commissionerate to investigate the case for recovery of the *stridhan* articles. The concerned officer entrusted by the Commissionerate would, in the background of the facts of this case, deal with the superior officer of the concerned district/commissionerate wherever he resides and trace out not only the

bank account(s) but also the locker as well as the whereabouts of the accused persons, who according to the report, are absconding.

The learned Magistrate would on every three weeks, under such circumstances, call for a progress report from the new officer, who would be dealing with the further progress of the case.

With the aforesaid observations, WPA 28323 of 2024 is disposed of.

Report so submitted be kept with the record. Let a copy of the report be handed over to the learned advocate for the petitioner.

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.)

