

25.04.2025

Item No.DL131
Court No. 28
Asraf, AR(Ct.)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 1671 of 2025

In Re : **BARSHA RAY**

.....Petitioner

For the Petitioner :

Mr. Prosenjit Mukherjee

Mr. Saptarshi Chakraborty

Ms. Manisa Mondal

Ms. Bobita Pramanik

.....Advocates

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner seeks further investigation of this case because the investigating officer did not seize the stridhan articles. In fact, in the order dated 13.02.2025 passed by the learned Magistrate, the Court failed to comprehend that all articles given in marriage to the wife amount to stridhan and should be returned to the wife. In spite of producing all receipts regarding the articles, the Court did not agree to have the articles seized and returned to the wife.

It appears from the order dated 13.02.2025 passed by the learned Magistrate that during investigation on the first occasion the de facto complainant accompanied the investigating officer in the search and seizure process, but she herself in writing expressed her inability to attend further search even after getting notices on 28.04.2024 and 01.05.2024. As per the learned Magistrate, she did not submit any cogent and credible document to prima facie show her ownership regarding such gold ornaments. On the other hand,

the purchase receipts in the case diary showed that the gold ornaments found on search belonged to Sikha Roy.

It is not in doubt that all the gold ornaments given as gifts during marriage constitute stridhan properties.

But, here the question is whether any article made of gold found in a household will be presumed to belong to the wife as stridhan articles. On the contrary, there are specific receipts showing that the gold ornaments in question that were found on search belonged to one Sikha Roy who is not the wife.

Therefore, the Magistrate was absolutely right in coming to the conclusion.

In any event, failure to seize stridhan articles is hardly a ground for further investigation.

In this case, not only a chargesheet has been filed, upon passing a detailed order the Magistrate framed charges against the accused under Sections 498A, 406 and 506 read with Section 34 of the Indian Penal Code, 1860.

Therefore, I find no reason to interfere with the order dated 13.02.2025 passed by the learned Magistrate.

Accordingly, the revisional application is **dismissed**, however, without any order as to costs.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)