

16.
22.09.2025

CRR 2171 of 2025

Bd.
Ct. 29

Ipsita Das Giri
Vs.
The State of West Bengal & Anr.

Mr. Rishav Singh
Mr. Sagar Kumar Mishra
Mr. Soumalya Dutta **... for the petitioner.**

This application has been preferred against the order dated 16th November, 2024 wherein the court below has dismissed the petitioner's application under section 216 of Cr.P.C. on the ground of default, being not moved.

Being aggrieved by that order learned counsel appearing on behalf of the petitioner/de-facto complainant submits that in the FIR petitioner herein has made specific allegation that her husband, being the Director created some fraud companies and also dishonestly and fraudulently forged her signature and thereby made her Directors in the said companies. The petitioner herein filed photocopies of said documents before the Investigating authority. However, after completion of investigation police submitted charge-sheet only under section 420 IPC.

The petitioner in her application under section 216 of the Code of Criminal Procedure contended that investigating officer admitted the case of the complainant in charge-sheet that the accused has forcibly confiscated the voter Identity Card, PAN card of the complainant/petitioner herein and without informing her, accused fraudulently used complainant's name as Director in his fraud company and fraudulently forged the complainant's signature and thereby created those documents and for which she

prayed for framing charge inter alia under section 406/417/465/469/419 along with section 420 of the IPC.

Learned counsel appearing on behalf of the petitioner submits that he has sufficient grounds to argue before the court below to establish his contention of alteration of charge and in this context he also pointed out the Order no.18 dated 15.05.2024, which shows that the court below recorded that he wants to rely upon some judgments of constitutional Courts in support of his argument. Accordingly, he submits that an opportunity may be given to her to argue in support of her application filed under section 216 of the Cr.P.C. after setting aside the order of dismissal.

Having heard learned counsel appearing on behalf of the petitioner, I find that prayer made by the petitioner is innocuous.

In such view of the matter, CRR 2171 of 2025 is disposed of with a direction upon the court below to hear the petitioner's application under section 216 of the Cr.P.C. on merit after giving opportunity to both the parties to contest preferably within a period of two months from the date of communication of this order. The impugned order dated 16.11.2024 which, relates to dismissal of the said application filed by the petitioner herein under section 216 of the Cr.P.C. being "not moved" is hereby set aside.

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

(Dr. Ajoy Kumar Mukherjee, J.)

