

24-09-2025

ct no. 9

Sl. 18

RP

C.R.R. 3104 of 2025

Smt. Rupsa Bhattacharjee nee Roy Chowdhury

-Versus-

State of West Bengal

Mr.Santanu Mukherjee,

Mr. Amit Kumar Gupta.

..... for the Petitioner.

1. Learned advocate for the petitioner is present.
2. Heard learned advocate for the petitioner.
3. This application is directed against order dated 04.06.2025 passed by the Court of Additional Sessions Judge, 1st Court, Barrackore, North 24-Parganas in Criminal Appeal No. 39 of 2025 which is preferred against order dated 15.05.2025 passed by learned 4th Judicial Magistrate at Barrackpore in connection with Misc. Case No. 343/2023.
4. Learned advocate for the petitioner submits that the learned Magistrate has rightly passed the order directing the parties to file affidavit of assets which is covered by the decision of the Hon'ble Apex Court. Learned advocate further submits that the appeal preferred by the opposite party no. 2 is not maintainable in the eye of law.
5. Upon hearing the learned advocates and considering the order passed by the learned Trial

Court and the learned Appellate Court, this Court is of the view that as the appeal is not barred under law but the petitioner has grounds to challenge the said appeal on merits, this application under Article 227 of the Constitution should not be entertained at this stage. Thus, this application is disposed of by granting liberty to the petitioner to take all necessary points of law before the learned Appellate Court where the Criminal Appeal No. 39 of 2025 is pending.

6. Learned Appellate Court upon considering the objections of the petitioner who is the respondent in the said appeal shall decide the case in accordance of law expeditiously without granting unnecessary adjournments.
7. It is, however, made clear that this Court has not gone into the merits of the case and all points will be left open to be decided by the learned Appellate Court.

(Biswaroop Chowdhury, J.)