

02.01.2025

Item No.1

Ct.No.2

kausik

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 24 of 2024**

**Arijit Kaviraj & Ors.  
Vs.  
State of West Bengal & Anr.**

Mr. Sanjay Chakroborty  
Mr. Debanjan Das

... For the Petitioner.

Mr. Arijit Ghosh

...For the OP No. 2.

Mr. Aditi Shankar Chakraborty, APP  
Mr. Aniruddha Biswas

...For the State.

The subject matter of the revisional application relates to an order dated 28.11.2022 passed by the learned Sub-Divisional Magistrate, Alipurduar, wherein the learned Sub-Divisional Magistrate was pleased to issue search warrant under section 94 of the Cr.P.C.

Records reflect that the search warrant was executed on or about 16.01.2023.

Petitioner disputes regarding the seizures which were effected.

Be that as it may, in respect of the accusations made therein the Sub-Divisional Magistrate definitely did not have the jurisdiction to issue search warrant under section 94 of the Cr.P.C. in a matrimonial dispute.

However, as the same has been executed and the petitioner approached this court at a stage, thereafter the basic issue has become academic.

The revisional application as such is infructuous presently.

However, petitioner contends that some of the articles which have been seized by the police authorities do not belong to the private opposite party no. 2.

In view of the complaint case being CR No. 420 of 2022 pending before the learned Judicial Magistrate, 3<sup>rd</sup> Court, Alipurduar under the provisions of section 12 of PWDV Act, I am of the opinion that the claim relating to the debatable issues of stridhan properties be canvassed before the learned Judicial Magistrate, 3<sup>rd</sup> Court, Alipurduar.

With the aforesaid observations CRR 24 of 2024 is disposed of

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

**(Tirthankar Ghosh, J.)**