

23.12.2020
SL No.15
pk

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 1873 of 2020

(Through Video Conference)

Sri Kartick Banik

Versus

State of West Bengal

For the petitioner : Mr. Subhojit Chowdhury
Mr. H. Mustafi
..... Advocates

Heard on : 23.12.2020

Judgment on : 23.12.2020

Jay Sengupta, J.:

This is an application for quashing of a proceeding in which a charge-sheet was submitted against the accused under Sections 307 and 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the victim lady while the opposite party no. 2 is the de facto complainant/father of the victim lady. The marriage between the petitioner and the victim took place in 2016. No complaint was lodged till the registration of the First Information Report. The First Information Report was lodged after a delay of two days from the date of occurrence. Although there is an allegation of a particular assault and attempt to murder, no medical evidence is forthcoming. No prima facie case is made out as would be evident from a plain reading of the First Information Report and the charge-sheet.

I have heard the submissions of the learned counsel appearing on behalf of the petitioner and have perused the revision and the copies of the First Information Report and the charge-sheet annexed with the revision petition.

It appears that since a serious assault took place on 20.4.2018, the victim lady had to be admitted to a hospital and had to undergo an operation on 29.04.2018. This explains the reason for the delay of two days in lodging the First Information Report. In any event, whether such minor delay in lodging the First Information Report would be fatal to a prosecution case could be best decided during trial.

As would be evident from a plain reading of the First Information Report, there are clear allegations of mental and physical torture, even specific ones.

On a particular day after the accused assaulted the petitioner violently, she was admitted in a hospital. From the charge-sheet it is evident that a doctor of the said hospital has been cited as a witness. Therefore, the contention of the petitioner that there is no medical evidence is not borne out from the records.

The grounds taken up in the revisional application pertain to disputed questions of fact that cannot be decided in an application for quashing.

In view of the above, I do not find any merit in this revisional application.

Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

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

(Jay Sengupta, J.)