

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 1825 of 2020

Goutam Bhattacharjee

Vs.

State of West Bengal & Anr.

For the Petitioner	:	Mr. Biswajit Hazra, Mr. Archisman Sain.
For the State	:	Mr. P. K. Datta, Mr. Imran Ali, Ms. Debjani Sahoo, Mr. M. F. A. Begg.
For the Opposite Party No.2.	:	Mr. Samrat Chowdhury, Mr. Amit Dey.
Heard on	:	19.02.2021
Judgement on	:	19.02.2021

Jay Sengupta, J. :

1. This is an application praying for quashing of a proceeding in which a charge sheet was submitted under Sections 498A and 506 of the Penal Code.
2. Learned Counsel appearing on behalf of the petitioner submits as follows.
Although, the First Information Report was lodged under Sections 325, 406,

498A and 506 of the Penal Code against the present petitioner and three others, the charge sheet could be filed only under Sections 498A and 506 of the Penal Code and that too against the present petitioner alone. The petitioner is the husband of the de facto complainant/opposite party no.2 while the other accused were the other in-laws. The petitioner stands on the same footing as the others who were been discharged from this case. The petitioner suffers from 70% disability of his left lower limb and as such, he is incapable of committing any torture upon anyone.

3. Learned Counsel appearing on behalf of the State submits as follows. The points taken up in this revisional application are disputed questions of fact and could not be gone into before a trial. From the statements available in the case diary, it does not appear that the petitioner stands on the same footing as the other accused who were discharged from this case.
4. Learned Counsel appearing on behalf of the de facto complainant/opposite party opposes the application and submits that a prima facie case is clearly made out against the present petitioner.
5. I have heard the submissions of the learned Counsels appearing on behalf of the petitioner, the State and the de facto complainant and have perused the revision petition and the case diary.

6. From the statements of the witnesses recorded under Section 161 of the Code, it appears that some more allegations have been levelled against the present petitioner other than against the other in-laws. The petitioner in the prime accused. As such, it could not be said that the present petitioner stands on the same footing as the other accused who were discharged from the case.
7. The veracity of the allegations levelled by the victim/wife and the other witnesses who support her case have to be tested during trial.
8. The grounds taken up by the petitioner including the question of his disability of a lower limb and consequent inability to commit torture are all disputed questions of fact, which could not be gone into in an application for quashing of proceeding.
9. In view of the above, I do not find any merit in this application and accordingly, the revisional application is dismissed.
10. There shall, however, be no order as to costs.
11. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

SI. 15/NB