

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 895 of 2022

Nepal Chandra Roy & Ors.

Vs.

State of West Bengal & Anr.

For the Petitioners : Mr Mrinal Kanti Kundu

Heard on : 23.03.2022

Judgment on : 23.03.2022

Jay Sengupta, J.:

This is an application for quashing of a proceeding in which a charge sheet was submitted under Sections 406 and 498A read with Section 34 of the Penal Code.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the husband and the in-laws of the opposite party no. 2/de facto complainant. The FIR was lodged on 25.12.2012 and a charge sheet was submitted on 31.05.2013. Several dates were fixed after framing of charge. The witnesses were not turning up. The petitioners have been falsely implicated in this case.

No prima facie case is made out as would be evident from a plain reading of the First Information Report and the charge sheet. Any further continuation of the impugned proceeding shall be an abuse of the process of the Court.

I have heard the submissions of the learned counsel appearing on behalf of the petitioners and have perused the revision petition.

In the First Information Report the de facto complainant/opposite party no. 2 had clearly alleged that soon after the marriage the accused/husband and the in-laws started to inflict physical and mental torture for further dowry. A child was born to the couple. After that the husband petitioner got involved in an illicit relationship. Finally the de facto complainant was driven out from the matrimonial home with the minor child. A charge sheet was submitted showing some accused as absconders.

From a plain reading of the First Information Report and the charge sheet it appears that a prima facie case is made out against the petitioners.

Whether the petitioners have committed the alleged crimes or not cannot be adjudicated by this Court in an application for quashing of proceeding.

Therefore, I do not find any reason to interfere with the impugned proceeding.

Accordingly, the prayer for quashing of the proceeding is rejected.

However, there shall be no order as to costs.

In view of the delay in concluding the proceeding the learned trial court is requested to dispose of the matter as expeditiously as possible without granting any unnecessary adjournment to any of the parties and by taking necessary steps for ensuring attendance of the accused.

Accordingly, the revisional application is disposed of.

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

(Jay Sengupta,J.)