

CRR 351 of 2015

In the matter of:- **Avijata Sarkar & Ors.**
..... Petitioners.

Md. Kutubuddin
...for the State.

None appears on behalf of the petitioners.

Md. Kutubuddin, learned advocate, who generally appears on behalf of the State is requested to appear in this case on behalf of the opposite party no. 1, State of West Bengal. The concerned department is requested to regularize his appointment.

This revisional application has been filed by the petitioners under Section 482 read with Section 401 of the Code of Criminal Procedure for quashing of the proceeding being T.R.No. 218 of 2013 arising out of Uttarpara Police Station Case No. 223/2013 dated 10.5.2013 under Sections 498A/406/506 of the Indian Penal Code.

The brief fact of the case is that the opposite party no. 2 lodged a written complaint of Uttarpara Police Station with the contention that she was married to the petitioner no. 1 on 07.12.2004 as per Hindu rites and customs and a female child was born to the couple. Subsequent thereto, there was mental and physical torture. On such basis, Uttarpara Police Station Case No. 223 of 2013 was registered.

After completion of investigation, charge-sheet was filed against the petitioners under Sections 498A/406/506 of the Indian Penal Code. Being aggrieved by and dissatisfied with

the said proceedings, the petitioners have preferred the present revisional application.

Md. Kutubuddin, learned advocate appearing on behalf of the State submits that there are primary materials to proceed in the case and as such the revisional application is liable to be dismissed.

It appears that upon completion of investigation and on the basis of prima facie materials charge-sheet has been submitted against the petitioners under Sections 498A/406/506 of the Indian Penal Code. Further from the certified copy of order-sheet annexed with the application it is found that charge has already been framed and date has been fixed for examination of charge-sheeted witnesses. Hence, the proceeding before the trial court does not call for interference.

Accordingly, the present revisional application is, thus, dismissed.

However, it is made clear that observation made herein above shall not have bearing on the rights and contentions of the petitioners before the trial court.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)