

29-03-2022
Subha
Item-6
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 662 of 2019

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

In the matter of : **Sankar Pramanik @ Shankar Paramanik**
..... petitioner.

Mr. Soumyajit Chatterjee
.....for the Petitioner.

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu sett
...for the opposite party no.2/wife.

Mr. S. S. Imam
Mr. S. Kundu
.....for the State.

Report submitted by the Officer-in-Charge, women Police Station, Barrackpore Police Commissionerate through the learned advocate appearing on behalf of the State be kept with the record.

The present revisional application was preferred against the order dated 22.01.2019 passed by the learned Additional District and Sessions Judge, Fast Track, 4th Court, Barasat in Criminal Appeal No. 11 of 2018 wherein the learned appellate court was pleased to affirm the order dated 03.02.2018 passed in C. Case No. 106 of 2017 under Section 12 of the PWDV Act, 2005.

The main contention of the petitioner was regarding the identity of the lady and the different names she has expressed for

obtaining the reliefs under the said Act.

The issue as contended by the learned advocate for the petitioner needs to be addressed in course of the trial and cannot be summarily decided as an interim measure.

Mr. Pawan Kumar Gupta, learned advocate appears on behalf of the opposite party no.2 and submits that there are sufficient materials regarding the identity of the present opposite party. This court need not go on the issue regarding the challenge of identity of the applicant before the learned trial court as the said issue is a question of fact which is to be rebutted by the husband/petitioner herein and/or established by the applicant/opposite party.

The learned Magistrate after perusal and consideration of the materials on record, which surfaced at the preliminary stage granted certain interim relief. The said order was appealed before the learned sessions court.

Having regard to the findings made by the learned Magistrate as well as the appellate court and the report submitted by the concerned Officer of Women Police Station, Barrackpore Police Commissionerate, I do not find any reason to interfere at this early stage of the proceedings. Both the parties would produce their evidence at the relevant stage of the trial.

Accordingly, the revisional application being CRR 662 of 2019 is dismissed.

All pending applications, if any, in connection with the

revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties are to act in terms of a website copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)

