

Sr. 21
23-02-2022
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

**CRR 976 of 2020
With 1 of 2020(Old CRAN No. 1283 of 2020)**

In the matter of : **Subhas Bhunia @ Subhas Chandra Bhunia & Ors..**
.....petitioners.

In Re : An application under Ss. 397/401 read with S.482 Cr.P.C.

Mr. Arnab Saha
Mr. Abhimunya Banerjee
....for the petitioners.

Mr. Swapan Banerjee
Mrs. Purnima Ghosh
....for the State.

The peculiarity of the present case is reflected from the order passed by the learned Judicial Magistrate, 1st Court, Tamluk, Purba Medinpur. The relevant part of the order is quoted below:-

“On perusal of the entire record along with C.D and on considering the arguments placed by both the parties I find this case a very peculiar one. The de facto complainant, if the accused is believed, started the proceedings of torture after her marriage and another proceedings for annulling the said marriage at the same time. Accused Subhas Bhunia on the other hand is saying that the petitioner never came to his house confirming the fact of the marriage being a

nullity, but at the same time he contested the proceeding u/s. 25 of the Special Marriage Act and when the marriage was declared a nullity, he preferred an appeal against it. The parties are not sure of their respective stance. The instant case is ruled by the provision of Criminal Procedure Code and at this stage once the cognizance is taken, there is no scope to discuss the laches of investigation without starting the trial. At this stage this court is not in a position to verify the stance of the accused and hence, the instant petition is rejected on contest. At the same time considering the entire aspect a short date is fixed for consideration of charge. Accused would get ample opportunity of exhibiting all relevant documents which they produced today at the stage of D/W”.

Learned advocate for the petitioner has insisted upon this court to peruse the deposition of the private opposite party in the matrimonial suit. Learned advocate has stressed on the issues that at any point of time, the wife did not come and stayed at the matrimonial home along with the husband.

It has been further contended that the allegations made in the complaint as also the materials appearing in the case diary fails to make out any case so far as the present petitioners are concerned.

I have perused the letter of complaint, which has been treated to be the FIR in the instant case and the basis of the chargesheet which has been filed.

In this case, the evidence of the complainant is that of the victim and I find prima facie materials are appearing regarding the demand of dowry and torture.

The truth of the said contentions obviously would be assessed in course of the trial of the case. So far as the other documents which have been relied upon the same relate to court proceedings in civil matters but without overcoming the threshold, the position of the present case, particularly the examination of the complainant who has to be examined on dock before a court of law, I do not think that it would be fit and proper to interpret all the proceedings in a cryptic manner in a proceeding under Section 482 of the Code of Criminal Procedure.

No interference is called for by this court. Accordingly, the present revisional application being CRR 976 of 2020 is dismissed.

All pending applications, if any, are consequently disposed of.

Inter order, if any, is hereby vacated.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)