

4.11.2022
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SB
Ct. No.236

CRR 1046 of 2011
CRAN 1 of 2012 (Old. CRAN 1726 of 2012)

In the matter of : Abha Podder @ Ava Karmakar

Mr. Bidyut Kr. Ray
Ms. Rita Dutta ... for the State

The petitioner is found absent on repeated call.

On 07.9.2022 when the matter was taken up for hearing the petitioner was found unrepresented and an order of adjournment was passed with the observation that on the adjourned date if none appears matter would be disposed of on the basis of materials available with the record.

Today also none appears on behalf of the petitioner. Hence I propose to dispose of the case on merit.

By filing this application under Section 482 of the Code of Criminal Procedure, the petitioner Smt. Abha Podder @ Ava Karmakar has prayed for order to quash the proceeding being C.G.R. No. 3776 of 2010 arising out of Charu Market P.S. Case No. 136 of 2010 dated 24.10.2010 registered under Section 498A/306/34 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Alipore, South 24 Parganas.

Pursuant the unnatural death of his daughter Soma who was married to Bikram Karmakar her father Sri Nikhil Mundari informed the officer-in-charge of Charu Market P.S. stating inter alia that after marriage while staying in her matrimonial home Soma was subjected to torture both physical and mental by the inmates including the petitioner. The accused persons tarred the reputation of Soma by saying that she used to maintain extra marital relations with her maternal uncle. Soma was compelled to leave her matrimonial home

and to take refuge to her father's house. On 23.10.2010 around 7.30 PM mother-in-law of Soma and the petitioner Smt. Abha Podder @ Ava Karmakar came to the house of the informant and abused his daughter Soma. On the next day i.e. on 24.10.2010 around 1 PM Soma committed suicide. As information disclosed offence cognizable in nature, Charu Market P.S. Case No. 136 dated 24.10.2010 was registered under Sections 498A/306/34 of the I.P.C. Police took up investigation. Since the petitioner has been arrayed as an accused she has preferred this application stating inter alia that she was no way connected with the alleged offence. She has been falsely implicated in the case and for that reason she has been enlarged on bail. There is no ingredient of offence within the meaning of Section 107 of the I.P.C. There is no material to indicate that the petitioner played any role to instigate Soma to commit suicide.

The grounds taken by the petitioner cannot be appreciated without evidence being recorded. During pendency of this application under consideration Mrs. Anasuya Sinha, learned Public Prosecutor, High Court, Calcutta filed an application being CRAN 1726 of 2012 inter alia seeking leave on behalf of the Investigating Agency to file charge sheet against the accused persons including the petitioner. Therefore, there is every reason to presume that after investigation the Investigating Agency has found prima facie material against the petitioner as well.

As I have already pointed out the ground taken by the petitioner can be considered upon appreciation of evidence by the learned Trial Court, I do not find any reason to invoke the inherent jurisdiction to quash the F.I.R. as against the petitioner, as prayed for.

With this observation, the criminal revision is disposed of, without any order as to costs.

The copy of the order be sent down to the learned Trial Court for information and necessary action.

Interim order if any, stands vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy be made available if prayed therefor.

(Siddhartha Roy Chowdhury, J.)