

15-02-2022
Subha
Item-06
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

(Via video-conference)

C.R.R 1167 of 2018
with
CRAN 1 of 2019(Old No. CRAN 1282 of 2019)

In Re: An application under Sections 482 of the Code of Criminal Procedure.

In the matter of : ***Rekha Chowdhuri & Anr.*** ...Petitioners.

Mr. Anand Keshari
Mr. Sekhar Mukherjee

....for the petitioners.

Mr. Madhusudan Sur
Mr. Dipankar pramanick

.....for the State.

The present case being Chetla P. S. Case No. 53 of 2018 dated 11-03-2018 under Sections 498A/406/34 of the Indian Penal Code was initiated on the basis of a letter of complaint addressed to the Officer-in-Charge, Chetla Police Station by one Tista Banerjee, the complainant.

On completion of investigation, chargesheet being Chargesheet No. 106 of 2018 was filed on 27.08.2018 under Sections 498A/406/34 of the Indian Penal Code against Ayananshu Dey, Rekha Chowdhury(*petitioner no.1*) and Shruti Khan Chowdhury(*petitioner no.2*).

On perusal of the case diary and the charge-sheet, it is found that the Investigating Officer relied upon the oral evidence of the complainant, namely, **Tista Banerjee, Daisy Banerjee**, mother of the complainant, **Nandita Dey**, mother-in-law and mother of accused/husband, i.e., Ayananshu Dey, **Minati Ghosh**(maid servant working in the house of Ayananshu Dey), **Kajari Banerjee**, aunt-in-law of the complainant.

The allegations against the petitioner no. 1 are that the husband handed over the gold ornaments which were received as 'streedhan' during or at the time of marriage and the same was entrusted to the petitioner no.1.

So far as the petitioner no.2 is concerned, the allegations against her are only available in the letter of complaint, where there are charges of instigation.

Record reflects that the gold ornaments were seized from the house of Ayananshu Dey residing at 47A, Rakhal Das Auddy Road, P. S. Chetla, Kolkata -27 and the complainant and her mother were witnesses when the seizure was effected on 5th April, 2018.

Both the parties were residing at the far of places at Boinchigram, Pandua, Hooghly, which is almost 100 km from the matrimonial home of the complainant, which is at Chetla.

Report submitted by the police authorities reflects that the petitioner no. 1 is 83 years of age.

Having regard to the materials which have surfaced in course of investigation so far as the present petitioners are concerned, more particularly, the gold ornaments which were seized from the matrimonial home of the complainant and not from the house of the petitioner no. 1, I am of the opinion that taking the matter as a whole, as is appearing in the case diary, it is primarily against the husband, namely Ayananshu Dey and the materials fall short of for further continuance of the proceedings as far as the present petitioners are concerned.

Accordingly, the proceedings arising out of Chetla P. S. Case No. 53 dated 11.03.2018 and the chargesheet filed therein under Sections 498A/406/34 of the Indian Penal Code, so far as the present petitioners are concerned namely, Rekha Chowdhury @ Rekha Chowdhuri and Shruti Khan Chowdhury are hereby quashed. The proceedings so far as the Ayananshu Dey, i.e., the husband is concerned, would continue before the jurisdictional court.

Thus, the revisional application being CRR 1167 of 2018 is allowed.

Accordingly, the application being CRAN 1 of 2019 (Old No. CRAN 1282 of 2019) is disposed of.

Interim order, so far as the main proceedings are concerned are concerned, is, hereby, vacated.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned 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.)

With the aforesaid observations, the revisional application being CRR 1830 of 2020 is allowed.

Let the report submitted by the Inspector-in-Charge, Raghunathganj P.S, Jangipur P.D through the learned advocate for the State be kept with the record.

Interim order, passed herein, is made absolute.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned 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]