

Court No.
33
Item 33
Ali
18.08.2022

CRR 1073 of 2017

**Jayanta Kumar Pain @ Jayanta Kumar Pyne & Ors.
-Vs-
The State of West Bengal & Anr.**

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

Mr. Himanshu De
Mr. Ayantika Roy

....for the petitioners.

Mr. Bidyut Kumar Roy
Ms. Rita Dutta

.....for the State

The present revisional application has been filed for quashing of the proceedings in connection with G.R. Case No. 2146 of 2014 (arising out of Uluberia Police Station Case No. 681 dated 12.09.2014) under Sections 498A/34 of the Indian Penal Code.

The brief fact of the case is that the opposite party No. 2 filed a petition under Section 156(3) of CrPC before learned Additional Chief Judicial Magistrate, Uluberia with the contention that his daughter was married to petitioner No. 1 on 05.03.2002. During the subsistence of the said marriage she was tortured in the matrimonial home by the petitioners both physically and mentally. The petition was sent to Officer In-Charge, Uluberia PS for causing investigation and accordingly the FIR was registered against the petitioners and one other. On completion of investigation police submitted charge-sheet against the petitioners and other under Section 498A/34 of the Indian Penal Code.

Being aggrieved by and dissatisfied with the said proceedings, the petitioners have preferred the present revision.

Mr. Himanshu De, learned advocate appearing on behalf of the petitioners submit that there are no iota of materials to attract the offence under Section 498A of the Indian Penal Code and there are no disclosure of torture in the FIR. He further submits that since 2013 the wife of the petitioner No. 1 is missing and several complaints have been lodged by the petitioners No. 1, in order to search out of his missing wife. Thus, the question of mental or physical cruelty upon the wife at the instance, of the petitioners do not arise at all. In the light of the aforesaid submissions he prays for quashing of the proceeding before the trial court.

Mr. Bidyut Kumar Roy, learned advocate appearing on behalf of the State, indicating the statement of the victim and other witnesses in the case diary recorded under Section 161 of the Code of Criminal Procedure submits that there are prima-facie allegations of torture against the petitioners and further the investigating agency has submitted charge-sheet against all the petitioners and one other under Sections 498A/34 of the Indian Penal Code. In view of aforesaid submissions, he prays for dismissal of the present application.

It appears that on the basis of prima-facie material, the investigating agency submitted charge-sheet against the petitioners and one other under Sections 498A/34 of the

Indian Penal Code. The status report submitted by the State also discloses of such fact, the statement of the witnesses available in the case diary primarily indicates of involvement of the petitioners in the alleged offence. In view of the aforesaid materials, the proceeding before the trial court does not call for interference.

The present revisional application stands dismissed.

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.)