

11.03.2022

Sl. No.48

Ct-34

BM

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

(Via Video Conference)

CRR 1476 of 2019

In Re : Samir Majumder

... Petitioner

Mr. Chittaranjan Ray

Mr. Monoj Kurmi

Ms. Soma Mal

... for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

... for the State

Learned advocate appearing for the petitioner insists that the present case has been initiated malafidely and with an ulterior motive and there are documents in the custody of the petitioner that during subsistence of the first marriage, the defacto complainant has married again. Such submission of the learned advocate is on the basis of a document available with the petitioner. However, on perusal of the case diary, I do not find that such document at any point of time was handed over to the investigating officer to correct the genuineness of such document. Further, learned advocate for the petitioner could not satisfy this court that on coming to know of second marriage was conducted during subsisting of the first marriage as to whether any other litigation has been instituted at the instance of the present petitioner either before the civil court or before the criminal court.

Mr. Kundu, learned advocate for the State hands over the case diary and submitted that the charge sheet has already been filed and next dates have been fixed for hearing.

Having regard to the same, I am of the opinion that the factual aspect cannot be gone into by this court at this stage. As such, CRR 1476 of 2019 is dismissed.

Pending application, if any, is consequently disposed of.

However, the petitioner is granted liberty to produce documents of sterling quality before the trial court at the appropriate stage of the proceeding for the purpose of rebutting the prosecution case.

All the parties are directed to act on the server copy to be obtained from the official Website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)