

07-11-2022
Subha
Item no.30
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1864 of 2021

Sri Avijit Samanta
-versus-
The State of West Bengal & Anr.

Re : An application under Sections 401/407 read with Section 482 of the Code of Criminal Procedure.

Mr. Satyam Mukherjee
Ms. Sayani Ahmed
Mr. Soumyadeep Mukherjee
....for the petitioner.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
.....for the State.

Mr. Avik Ghatak
Ms. Afreen Begum
....for the opposite party no.2.

The present application has been preferred challenging the continuance of the proceedings in relation to the chargesheet(S) filed in connection with Eco Park Police station case no. 04 of 2021 dated 06.01.2021 arising out of G. R. Case No. 60 of 2021 under Section 498A/406 of the Indian Penal Code.

Learned advocate for the petitioner submits that the de facto complainant/lady has instituted number of proceedings and in each of the cases, the contentions are different so far as it relates to time as also the incidents.

According to the learned counsel, the husband for the purposes of his job often is to visit abroad and taking such advantage, the wife made omnibus allegations of torture, although marriage was

solemnized in the year 2019 and a comparison of the different records reveal that she had left the matrimonial home of her own, although in the complaint under Sections 498A/406 IPC, it has been stated that she has been forced to leave her matrimonial home because of torture.

Additionally, it has also been submitted that so far as other proceedings are concerned, the same were instituted in the year 2019 and after about two years, the present case under Sections 498A/406 IPC has been intimated by her for the purposes of settling her grudge with the matrimonial family and the husband.

Mr. Arijit Ganguly, learned Advocate appearing for the State produces the case diary and also draws the attention of the court to the letter of complaint which was submitted before the Eco Park Police Station as also the two charge-sheets submitted by the Investigating Officer of the case. Learned advocate states that there are specific allegations of torture and dowry which prima facie satisfy the requirement of Section 498A of the Indian Penal Code and the recovery of the stridhan articles do substantiate the allegations made under Section 406 of the Indian Penal Code.

Mr. Ghatak, learned advocate appearing for the private opposite party submits that the lady was subjected to immense torture and as such she was compelled to leave matrimonial home. The factum of delay has already been explained in the letter of complaint. So far as the other proceedings are concerned, they are for different acts which have nothing to do with the criminal Proceedings.

I have considered the submissions of the respective parties and I find that the issues which have been canvassed by the learned

advocate for the petitioner regarding the specific dates of torture being inflicted relate to question of facts. So far as the issue of delay is concerned, the same was supported by some reasons. The truth or falsity is to be determined by way of cross-examination and the veracity of the allegations primarily do not call for interference of the court at this stage.

As such, I am not inclined to interfere with the prayers advanced in the present revisional application. Accordingly, the present revisional application being CRR 1864 of 2021 is dismissed.

The learned court is directed to expedite the progress of the stage of the consideration of charge and takes steps so that within a year from date, the trial of the case can be concluded.

All parties including the learned the learned trial court is directed to act on the server copies of the order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]