

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2348 of 2022

**Swati Chatterjee
Vs.
The State of West Bengal & Anr.**

**For the petitioner : Md. Sabir Ahmed, Adv.,
Mr. Abdur Rakib, Adv.**

Judgement on : 10.08.2022.

Bibek Chaudhuri, J.

The question involved in the instant revision is as to whether power and jurisdiction of the revisional Court can be usurped by one of the accused to avoid appearance before the Trial Court at the time of consideration of charge.

On facts, suffice it to record, that the petitioner is arraigned as one of the accused persons in connection with Mogra Police Station Case No. 280/2021 dated 8th October, 2021 under Sections 498A/406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act presently pending before the Learned Judicial Magistrate, 2nd Court, Hooghly.

Indisputably, the petitioner is sister-in-law of the *de facto* complainant. It is submitted by the Learned Advocate for the petitioner that the *de facto* complainant/opposite party no. 2

did not make any specific allegation of cruelty against the petitioner. The *de facto* complainant also did not make any allegation in her statement recorded under Section 161 of the Code of Criminal Procedure recorded by the Investigating Officer at the time of investigation of the case. Therefore, the criminal proceeding against her ought to be quashed.

The investigation of Mogra Police Station Case No. 280/2021 ended in filing the charge-sheet. The case arising out of Mogra Police Station Case No. 280/2021 being G.R. Case No. 2280/2021 is now pending for consideration of charge.

It is absolutely within the jurisdiction of the Learned Magistrate to consider as to whether there is any material against the petitioner to frame charge in GR Case No. 2280/2021.

The petitioner cannot take recourse of revisional jurisdiction of this Court to avoid the hearing on the point of consideration of charge in the Trial Court on the ground that the entire proceeding is abused of process of law.

Accordingly, I do not find any merit in the instant revision and the same is summarily dismissed.

However, the petitioner is at liberty to agitate all the points which she has agitated before this Court at the time of consideration of charge and the Learned Magistrate is at liberty to consider entire submission made on behalf of the petitioner without being influenced in any way on the observation made hereinabove while disposing of the instant revision.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 205.