

D/L 20
March 4,
2022
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C.R.R. No.2198 of 2019
(Via Video Conference)

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 filed in connection with Uluberia Police Station FIR Case No.162 of 2017 dated 19.02.2017 under Sections 498A/34 of the Indian Penal Code;

Malay Ghosh
Versus
The State of West Bengal & Anr.

Ms. Devi Priya Mitra.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Ms. Debjani Sahu.
...for the State.

Mr. Supriya Das.
...for the opposite party no.2.

This revisional application has been preferred challenging the proceedings relating to Uluberia Police Station Case No.162 of 2017 dated 19.02.2017 under Sections 498A/34 of the Indian Penal Code. The said proceeding was initiated on the basis of an application under Section 156(3) of the Code of Criminal Procedure. However, a similar case was filed in the year 2015 by the opposite party no.2 being Bagnan Police Station Case No.363 of 2015 dated 24.09.2015. The investigation of the said case was concluded but primarily I find that there is no difference of allegations between the said case at Bagnan Police Station which was also founded under Section 498A of the Indian Penal Code along with other Penal Sections. In fact, in the present case the allegations relating to dowry are more exhaustive although there are similarity of

allegations.

In view of the aforesaid, I direct that materials which have been collected by the Investigating Agency in connection with Uluberia Police Station Case No.162 of 2017 dated 19.02.2017 be used in the evidence of Bagnan Police Station Case No.363 of 2015 dated 24.09.2015 which is also pending for trial before the jurisdictional court. No separate number of case for trial be allowed in connection with Uluberia Police Station Case No.162 of 2017 dated 19.02.2017.

The learned Judicial Magistrate in *seisin* of the matter will call for the case diary as well as the materials collected by the Investigating Agency, ask the public prosecutor to reschedule the witnesses, if required according to the needs of both the cases and progress with the trial of Bagnan Police Station Case No.363 of 2015 dated 24.09.2015.

The number of Uluberia Police Station Case 162 of 2017 dated 19.02.2017 is quashed, but the materials and evidences collected in the investigation are to be tagged/added and restructured as directed above in connection with the Bagnan Police Station Case No.363/2015 dated 24.9.2015.

Learned Magistrate is directed to tag the records of G.R. Case No.468 of 2017 with G.R. Case No.2151 of 2015.

With the aforesaid observations, CRR 2198 of 2019 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)