

Item No.27
Ct.No.34
dc.

C.R.R. 2432 of 2021

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Anirban Mitra,
Mr. Amit Halder,
Md. Wasim Akram ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Mr. Mitra, learned advocate appearing for the petitioners submits that Haridevpur Police Station Case No. 91 dated 01.03.2020 was filed at the instance of one Bishnupriya Pal (Dey) alleging commission of offences under Sections 498A/406/494/379/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act. The lady again filed a petition of complaint under Section 200 of the Code of Criminal Procedure before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum alleging commission of offences under Sections 498A/420/406/34 of the Indian Penal Code against the same three accused who are the petitioners herein.

Having regard to the nature of the incident complained of and the time period which has been referred to there in the petition of complaint, I am of the opinion that the subject-matter of Haridevpur Police Station Case No. 91 dated

01.03.2020 and the Complaint Case being C.R. 475 of 2020 on the basis of which the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum took cognizance on 04.12.2020 are identical in nature. Accordingly, the police station case and the complaint case should be tried in accordance with the provision of Section 210 of the Code of Criminal Procedure. Consequently the Complaint Case being C.R. 475 of 2020 pending before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum be transferred from the said Court to the learned CJM/ACJM, Alipore or any Judicial Magistrate who is in seisin of Haridevpur Police Station Case No. 91 dated 01.03.2020.

With the aforesaid observations, the revisional application being CRR 2432 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)