

Form J(1)

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

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

CRR 3379 of 2022

**Jyotirmoy Bairagi
Vs.
State of West Bengal and Anr.**

Mr. Mukunda Lal Sarkar
...for the petitioner

Item No.119

Heard & Judgment on: 15.09.2022

Bibek Chaudhuri, J.

It is submitted on behalf of the petitioner /husband that the private opposite party No.2 is the legally married wife of the petitioner. After few days of marriage she left her matrimonial home and took shelter in the house of her elder sister. The petitioner subsequently brought her back to her matrimonial home. The said

incidents were repeated thrice but on the fourth occasion she left her matrimonial home and filed an application under Section 156(3) of the Code of Criminal Procedure alleging, inter alia, commission of offence under Sections 498A/406/323/506/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act before the learned jurisdictional magistrate. The learned Magistrate sent the said application to Belghoria P.S. directing the Officer-in-charge of the said P.S. to treat the said application as written complaint and start a specific case against the petitioner. Accordingly, Belghoria P.S. Case No.608 of 2020 was registered.

It is contended on behalf of the petitioner that the opposite party No.2 wants that her husband should leave her old mother and reside with her separately. The petitioner failed to comply with such proposal of the opposite party No.2. Precisely this is the bone of contention between the parties. It is also denied by the petitioner that the petitioner had committed any offence over which Belghoria Police Station Case No.608 of 2020 has been initiated.

Having heard the learned advocate for the petitioner and on perusal of the materials on record, it is found that in connection with Belghoria Police Station Case No.608 of 2020 the Investigating Officer submitted charge sheet against the petitioner and the said case is

pending for trial before the learned Judicial Magistrate, 5th Court at Belghoria.

The defence of the petitioner can only be considered at the time of trial on the basis of the evidence that may be adduced by the prosecution and defence, if any. At this stage, this Court is not in a position to hold as to whether the written complaint on the basis of which Belghoria Police Station Case No.608 of 2020 contains true allegation regarding commission of offence against the petitioner or not.

Therefore, I do not find any reason to admit the instant revision. On the contrary, submission of charge sheet suggests establishment of prima facie case against the petitioner.

In view of such circumstances, the instant revision being devoid of any merit is dismissed.

(Bibek Chaudhuri, J.)