

06.12.2022

Sl. No. 06

Srimanta

Ct.No. 42

CRR/3727/2022

In the matter of : **Abhinanda Sinha & Ors.**

Mr. Krishna Das Poddar, Adv.

...for the petitioner.

The petitioners are arraigned as accused in connection with Belur Police Station FIR Case No. 109/2022 dated 11th May, 2022 under Section 448/341/323/34 of the Indian Penal Code read with Section 3(1)(e)/4(S) of the SC and ST (Prevention of Atrocities) Act, 1989 corresponding to Special Case No. 77/2022.

In her written complaint, the opposite party no. 2/*de facto* complainant described her as a member of scheduled caste. It is also alleged that on 22nd April, 2021 and on 16th July, 2021 the petitioners abused her in the name of her caste. On 16th July, 2021 they also trespassed into the house of the opposite party and assaulted her.

It is submitted by the learned Advocate for the petitioners that petitioner no. 1 is the legally married wife of the son of the *de facto* complainant. Their marriage was negotiated between two families. At the time of negotiation of marriage the *de facto* complainant and her family members described that they belonged to 'kayastha' caste, while the petitioners are 'Baidya'. The petitioners never knew that the *de facto* complainant belonged to scheduled caste.

The case is at the stage of investigation. Under such circumstances, the Investigating Officer is directed to collect documentary evidence from the *de facto* complainant in support of her proof that she belongs to scheduled caste

community. If such document is collected it will be placed before the learned Special Judge under SC and ST (POA) Act, Howrah for his consideration. If it is found that the opposite party really belongs to scheduled caste community the case will continue, failing which the learned Special Judge under SC and ST (POA) Act, Howrah is at liberty to pass appropriate order in accordance with law. Entire exercise shall be made within one month from the date of communication of the order. In the meantime, the order of execution of warrant of arrest against petitioner no. 1 shall be kept in abeyance.

After passing above order, nothing remains in the instant revision and accordingly the instant revision is disposed of.

(Bibek Chaudhuri, J.)