

04.03. 2022
item No.28.
n.b.
ct. no. 34

(via video conference)
CRR 3436 of 2019

Samir Sardar
Vs.
State of West Bengal & Anr

Mr. Rajiv Lochan Chakraborty,
Mr. Priyanjit Kundu,
.....for the Petitioner

Mr. Tanmay Kr. Ghosh,
Mr. Arindam Sen
.....for the State

Report so submitted by the learned advocate be kept with
the record.

The subject matter of challenge in the revisional
application relates to Baruipur Police Station Case No.1654 of
2014 dated 13.11.2014 under Sections 498A/323/34 of the Indian
Penal Code.

Record reflects that the opposite party no.2 initiated two
cases within short span of time. The first case being Baruipur
Police Station Case No.1332 of 2014 dated 03.9.2014 under
Sections 498A/406/323/506(ii) of the Indian Penal Code and
under Sections 3 & 4 of the Dowry Prohibition Act. The Second case
was also registered pursuant to the complaint of the opposite party
no.2 being Baruipur Police Station Case No.1654 of 2014 dated
13.11.2014 under Sections 498A/325/34 of the Indian Penal Code,

and on completion of investigation, charge-sheet was submitted on 31.5.2016 under Sections 498A/323/34 of Indian Penal Code.

Having regard to the close proximity of time within which the second case was registered for investigation and the charge-sheet of the first case was not filed during the pendency of the first FIR, I am of the opinion that the materials so collected in connection with the Baruipur Police Station Case No.1654 of 2014 dated 13.11.2014 should be amalgamated with the records of Baruipur Police Station case no. 1332 of 2014 dated 3.9.2014, no separate trial is required to be conducted in respect of the case being Baruipur Police Station Case No.1654 of 2014 dated 13.11.2014. However, the evidence which has been collected be tagged along with the records of Baruipur Police Station case No.1332 of 2014 dated 3.9.2014 and the learned advocate if required would be at liberty to frame charges in respect of separate materials if collected in connection with the second case.

The learned Public Prosecutor if required would submit a fresh list of witness to be relied upon in course of trial,.

So far as the nomenclature of Baruipur Police Station Case no.1654 of 2014 dated 13.11.2014 is concerned, the same is quashed. However, the materials and evidence so collected be incorporated within the ambit of the proceedings of Baruipur Police Station case no.1332 of 2014 dated 3.9.2014 and the materials, if relied upon can be considered as evidence of the said case.

With the aforesaid observations, CRR 3436 of 2019 is disposed of.

All pending connected applications, if any, are 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.)