

02.02. 2022
item No.47
n.b.
ct. no. 34

(Via video conference)
CRR 3856 of 2019
Sri Sanjay Kuamr Dey
Vs.
Smt. Mousumi Dey Paul & Ors.

Mr. Shambhu Nath Ray,
Ms. Sharmistha Roy Chowdhury,
Mrs. Amrita Tewari,
Ms. Tuhina Parvin
.....for the Petitioner

Mr. Saswata Gopal Mukherjee, P.P.
Mr. Arijit Ganguly,
Mr. Sandip Chakraborty
.....for the State.

Mr. Achin Jana,
Mr. Suman Chakrabarty,
Mr. Prasenjit Ghosh,
.. for the O.P. Nos. 1 & 2.

Report submitted by the State regarding the service be kept with the record.

The present application has been preferred challenging the proceedings arising out the Santragachi Police Station case No.102 of 2018 under Sections 498A/406/323/427/506/34 of the Indian Penal Code.

In connection with the instant case, it is revealed that the police authorities after completion of investigation have already submitted charge-sheet before the jurisdictional Court.

Learned advocate appearing for the petitioner submits that the case suffers for want of territorial jurisdiction as the

concerned police station did not have the authority to either register the case or continue with the investigation of the said case.

Learned advocate also draws the attention of this court to the petition of complaint as also the charge-sheet. It has been submitted that the facts which have been narrated in the petition of complaint and the charge-sheet are contradictory in nature and there are improbable incorporation of facts which warrants interference of this court.

Learned advocate for the private opposite party is also present.

I have perused the documents enclosed along with the revisional application which includes the letter of complaint, the statement of the witnesses under Section 161 of the Code of Criminal Procedure and the medical report as also the seizure list along with the statement under Section 164 of the Code of Criminal Procedure of the victim lady. The genesis of the arguments of the petitioner so far as the merits of the case is concerned is that he being an Accountant cannot act as has been described in the complaint that is by using rod and breaking grill and trying to enter the premises. To that effect, the learned advocate for the petitioner seeks attention to the seized materials, which were recovered. I am of the opinion that the same involves factual appreciation, the Propriety, improbability and genuineness of the same are to be tested in course of trial. I find from the complaint which has been treated to be F.I.R. of the instant case that the factual circumstance narrates regarding the husband or the present petitioner having gone to his matrimonial home at Santragachi and there were

acts/overt acts which were committed over there. Naturally, the jurisdiction of the concerned police Station where such overt acts of the husband has been complained of or alleged will assume and will have jurisdiction to investigate. Investigation cannot be limited to specific fact if the subsequent action of the Investigating Agency extends to the other districts or other States and the police station where the case has been registered is authorized to do the same. Presently, I do not intend to detail on the issue as the case is at the very preliminary stage and the learned Magistrate has taken cognizance and supplied copies to the present petitioner.

However, I do not intend to shut out the petitioner also at this stage who will be at liberty to agitate the points canvassed in the criminal revisional application by way of taking out appropriate application under Section 239 of the Code of Criminal Procedure, if so advised.

Learned Magistrate will grant an audience to the petitioner as also arrive at a finding and thereafter proceed with the case.

With the aforesaid observation, CRR 3856 of 2019 is disposed of.

Interim order, if any, is hereby vacated.

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

Learned Magistrate is directed to expedite the trial of the case which was initiated in the year 2018 and adhere to the provision of Section 309 of the Code of Criminal Procedure.

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

(Tirthankar Ghosh, J.)