

CRR 3874 of 2015

In the matter of:- **Ujjwal Bandopadhyay & Anr.**
.....Petitioners

-Vs-

State of West Bengal & Ors.

Mr. Malay Bhattacharyya
Ms. Shefa Mondal

.....for the petitioners.

Mr. Soumik Ganguly
Mr. Sourat Nandy

.....for the opposite party No. 2.

Mr. Arijit Ganguly
Ms. Manisha Sharma

.....for the State

This revisional application has been filed by the petitioners under Section 401 read with Section 482 of the Criminal Procedure Code praying for quashing of the proceeding being GR Case No. 21 of 2015 (arising out of Onda Police Station Case No. 3 of 2015 dated 06.01.2015) under Sections 498A/506/323/34 of the Indian Penal Code pending before the learned Judicial Magistrate, 7th Court, Bankura.

Brief facts of the case is that the opposite party no. 2 on the allegations of mental and physical torture on demand of money against the petitioners filed an application under Section 156(3) of the Code of Criminal Procedure for sending the complaint for investigation before the Police. Upon such complaint Onda Police Station Case No. 3 of 2015 was registered against petitioners. On completion of investigation charge sheet has been submitted against the petitioners under Section 498A/506/323/34 of the Indian Penal Code.

Being aggrieved by and dissatisfied with the said proceeding, the petitioner has preferred the present revisional application.

Mr. Malay Bhattacharyya, learned advocate appearing on behalf of the petitioners submits that there are no such specific allegations against petitioner No. 2 of torturing the opposite party No. 2-wife. Further, the petitioner No. 2 is handicapped married lady and resides in her matrimonial home. Moreover, the allegations does not constitute the offence as has been alleged. In the light of the above submissions, he prays for quashing of the proceeding.

Mr. Arijit Ganguly, learned advocate appearing for the State submits that as per the statement of the witnesses there are allegations against both the petitioners of torturing the house wife in the matrimonial home and as such, the prayer of the petitioners for quashing of the proceeding should not be entertained.

Mr. Soumik Ganguly, learned advocate appearing for opposite party No. 2 submits in the similar fashion and draws the attention of the Court that the allegation against the petitioners are grave and as such the petition for quashing is liable to be dismissed.

State produces the case diary.

It is found from the statement of the complainant that there are allegations of torture against both the petitioners which is also supported by statements of other witnesses.

Upon completion of investigation, charge sheet has been submitted under Sections 498A/506/323/34 of the Indian Penal Code against both the petitioners on the basis of prima-facie materials collected during investigation. In view of such materials the proceeding before the trial court does not call for interference.

Accordingly, the revisional application is dismissed.

However, it is made clear that the observations made above, shall not have any bearing on the rights and contentions of the parties before the trial court.

All connected applications, if any, also stand disposed of.

Interim order, if any, also stands vacated.

Let a copy of this order be sent to learned trial court for information.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)