

Form J(1)

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

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

CRR 215 of 2022

**Bidyut Sen and Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Soham Banerjee
Mr. Parashar Baidya
..for the petitioners

Mr. Prabir Maji
..for the O.P. No.2

Mr. S. S. Imam
Mr. S. Kundu
..for the State

Item No. 2671.

Heard & Judgment on: 04.05.2023

Bibek Chaudhuri, J.

In the instant revision the petitioners have prayed for quashing of Pingla P.S. Case No. 153 of 2021 dated 22nd May, 2021 under Sections 498A/509/427/323/307/506/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act corresponding to G.R. Case No. 1463 of 2021 and also quashing of another proceeding being Bhagwanpore P.S. Case No. 179 of 2021 dated 17th June, 2021 under Sections 498A/323/506/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act pending before the learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur corresponding to G.R. Case No. 599 of 2021.

The learned advocate for the petitioner submits that the opposite party No.2 filed two complaints, one before the Officer-in-charge of Pingla P.S. and another before the learned Additional Chief Judicial Magistrate, Contai under Section 156 (3) of the Code of Criminal Procedure over almost self-same incident alleging commission of cruelty, criminal intimidation, mischief, causing hurt, attempt to commit murder, criminal insult etc. In both the cases police submitted charge sheet. The first case is pending before the learned Chief Judicial Magistrate, Midnapore in the district of Paschim Medinipur while the second case is pending before the learned Additional Chief Judicial Magistrate, Contai in the district of Purba Medinipur.

It is submitted by the learned advocate for the petitioner that both the complaints were filed as a counter blast of a civil suit filed by the petitioner praying for restitution of conjugal rights.

I have also heard the learned advocate for the private opposite party and the learned P.P.-in-charge.

It is submitted by the learned P.P.-in-charge that the petitioner cannot pray for quashment of two separate cases in one revision. On this score only, the instant revision is liable to be dismissed. However, I have gone through the written complaint submitted by the opposite party No.2 in both the cases. It is found from the written complaints that the victim was treated with cruelty on two different dates and accordingly two different complaints were lodged.

It is true that in both the cases charge sheet has been submitted. Therefore, it is not possible at this stage to quash any of the proceedings because filing of charge sheet means prima facie case has been established against the petitioners.

Since two cases are pending in two different Courts, applying the provision under Section 407 of the Code of Criminal Procedure this Court directs that G.R. Case No. 599 of 2021 pending before the Additional Chief Judicial Magistrate at Contai shall be transferred to the Court of the learned Chief Judicial Magistrate, Midnapore and the

learned Chief Judicial Magistrate, Midnapore shall try both G.R. Case No. 1463 of 2021 and G.R. Case No. 599 of 2021 simultaneously.

With the above order, the instant revision is disposed of.

(Bibek Chaudhuri, J.)