

07-02-2023
Subha
Item no.15
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 200 of 2021

Hansadhar Mandal & Ors.
-versus-
The State of West Bengal & Anr.

Mr. Jayanta Narayan Chatterjee
Mr. Sk. Sahjahan Ali
Ms. Nandini Chatterjee
Ms. Jayashree Patra
Ms. Sreeparna Ghosh
Ms. Pritha Sinha
....for the petitioners.

Mr. Rudradipta Nandy, ld. APP,
Ms. Manisha Sharma
....for the State.

The present application has been preferred challenging the continuance of G. R. Case No. 953 of 2019 which arose out of Ramnagar Police Station Case No. 172 of 2019 dated June 18, 2019 under Sections 498A/323/325 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The Investigating Agency on conclusion of investigation submitted chargesheet under the same sections. The petitioners before this court happen to be the husband(petitioner no.1), father-in-law(petitioner no. 2), mother-in-law(petitioner no. 3) and married sister-in-law(petitioner no.4)

I have considered the allegations made in the application under Section 156(3) of the Code of Criminal Procedure which has been levelled against the petitioners in respect of demand of dowry, further demand of dowry and the subject matter of the dispute which has

cropped in. The Investigating Agency, on conclusion of investigation, submitted chargesheet relying upon ten witnesses which included the complainant – CSW-1(Smt. Srayasee Patra Mondal) ; CSW-2(Prabir Patra ; CSW-3(Smt. Jharna Patra) ; CSW-4(Rampada Mondal) ; CSW-5(Tushar Panda) ; CSW-6(Shankar Barik) ; CSW-7(Dr. Dubraj Rakshit) ; CSW-8(Dr. Debasis Sarkar) ; CSW-9 (ASI Ashim Mukherjee) ; CSW-10(ASI Sourav Praharaj).

I have assessed the allegations made by the first six witnesses who may or could have personal knowledge regarding the affairs which led to the dispute and differences resulting in initiation and registration of criminal case.

I have also assessed the nature of allegations made by the complainant/opposite party. So far as the petitioner no. 4 is concerned, she is sister of petitioner no.1/accused who happens to be the husband of the complainant.

The thread of contention which implicates the petitioner no.4 is to the effect that she was having an illicit relationship with her brother i.e., accused/petitioner no. 1. There are no substantive materials to fortify prima facie charge and the complainant has exaggerated a version to implicate the petitioner no. 4 who happens to be a married lady and is staying elsewhere. The part of the case which arose from the illicit relationship and subsequent assault upon the complainant is improbable in the background of the facts of the case as also the materials collected by the Investigating Agency.

Consequently, further proceedings of G. R. Case No. 953 of 2019 arising out of Ramnagar P. S. Case No. 172 of 2019 dated June

18, 2019 so far as the petitioner no. 4 i.e., Smt. Bhabani Mal is concerned, the same is quashed. The revisional application is allowed so far as she is concerned.

However, the proceedings against the petitioner no.1(Hansadhar Mandal), petitioner no. 2(Ramhari Mandal), petitioner no. 3(Smt. Arati Mandal) would continue as prima facie there are materials to frame charges against them.

Accordingly, the revisional application being CRR 200 of 2021 is partly allowed.

Pending applications, if any, are consequently disposed of.

The trial court is directed to immediately frame charges on the next date so fixed or within a week thereafter and fix at least one date in a month for the purposes of this case so that the trial of the case can be taken to a logical conclusion within a reasonable period of time.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

