

CRR 911 of 2011
CRAN 2 of 2011
CRAN 6 of 2013

In the matter of : Indrajit Sen @ Sen Indrajit

Mr. Bidyut Kr. Ray
Ms. Sima Biswas ... For the State

This revisional application challenges the order passed by the learned Additional Chief Judicial magistrate, Alipore, 24 Parganas (South) on 15th January, 2011 in connection with Kasba Police Station case number 174(5) 10 dated 14.05.2010.

Brief fact of the case is that on 06.05.2009 marriage between the petitioner and the opposite party no. 2 Sohini Sen (nee Paul) was solemnized according to Hindu rites on 25.10.2009. The opposite party no. 2 left her matrimonial home and she filed an application before the competent court of law depicting herself as the legally married wife of the petitioner who has been subjected to torture in her matrimonial home. The petition of complaint was forwarded to the Officer-in-Charge of Kasba Police Station for investigation under Section 156(3) of the Cr.P.C. Kasba Police Station case number 174(5) of 10 was registered on 14.5.2010. Police took up investigation and submitted a charge sheet against three accused persons on 30.06.2010 under Sections 498A/420/406/403/34 of the Indian Penal Code showing the petitioner as absconder. Learned Trial Court took cognizance of the case and was pleased to issue

warrant of arrest against the petitioner who was depicted as accused number 1. It is contended in the petition that learned Trial Court while passing the order impugned did not take into consideration that the petitioner was in the USA till 31.08.2011.

Considering the contention made by the petitioner in his application I am of the view that an opportunity should be given to the petitioner though he did not join the investigation, to surrender to the jurisdiction of the learned Additional Chief Judicial Magistrate, Alipore 24 Parganas (South) within four weeks from date and in such event, learned Trial Court instead of taking any coercive measure shall consider his prayer for bail in the light of the fact that he was not in the country and as such he could not join the investigation, failing which, the learned Trial Court will be at liberty to take any coercive measure if there is no change in the circumstances in the meantime.

Accordingly the revisional application is disposed of along with application, if any.

Let a copy of this order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)