

20.12.2023

Sl. 21

Court No.

32

CRR 1214 of 2021

Sati Brata Mondal (Jana)

Vs.

State of West Bengal & Ors.

Nobody appears on behalf of the petitioner on call.

Even on earlier occasions petitioner did not appear.

In view of the above fact, this Criminal Revisional Application filed under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 is required to be disposed of on merit as the petitioner challenged the correctness, illegality and propriety of a judgment and order dated 30.12.2020 passed by the Learned Judicial Magistrate, 3rd Court, Contai, Purba Medinipur in G.R. Case No. 844 of 2015 arising out of Contai Women Police Station Case No. 24 dated 30.05.2015 under Sections 498A/323/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, whereby the accused/Private opposite parties had been acquitted from the charges framed under Sections 498A/323/34 of the Indian Penal Code.

It is the case of the petitioner that the petitioner married with accused/opposite party no. 2, Bikash Mondal on 15.12.2002 in accordance with Hindu Rights and Customs and from the said wedlock one male child was born on 08.07.2007. However, the opposite parties compelled her to bring 15 lakhs cash from her father's house for purchasing

flat and if failed, she would be given divorce. They were also tortured her both mentally and physically. But she tolerated them. When she went to her father's house for the purpose of visit and stay on the occasion of Basanti Puja on 25.03.2015, suddenly, a notice for divorce was received by her. After receiving such notice, she went to the matrimonial home but they did not allow her and further assaulted her with feast and blows and finally driven out her from matrimonial home. Accordingly, she filed written complaint before the Contai Women Police Station and same was registered as Contai Women Police Station Case No. 24 dated 30.05.2015 under Sections 498A/323/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act against the opposite parties.

After filing charge-sheet, charges were framed under Section 498A/323/34 of the Indian Penal Code. After completion of trial, the learned Court below after scanning evidence of the parties, disposed of the case by acquitting the accused persons, namely, Bikash Mondal, Subhash Mondal, Prakash Mondal and Alpana Mondal in terms of Section 248(1) of the Cr.P.C., when found them not guilty of the offences under Section 498A/323/34 of the Indian Penal Code. It is alleged that the Ld. Trial Court did not consider the materials available in the record and whimsically acquitted them.

Hence the instant revisional application.

So, core issue here is that as to whether the application is

maintainable, when the opposite parties have been acquitted by the Trial Court after full trial, when it is found not guilty.

According to proviso of Section 372(2), there is an efficacious remedy to file an appeal before the Court to which an appeal ordinarily lies against the order of conviction of such Court, when the Court acquitting the accused or convicting for lesser offence or imposing inadequate compensation but the petitioner herein filed this revisional application without availing efficacious remedy.

Therefore, the instant revisional application is devoid of merit.

Consequently, **CRR 1214 of 2021** is, thus, dismissed without order as to costs.

Let the order be sent to the learned Court below for information.

Parties shall act on the server copies of this order.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all the necessary formalities.

(Ajay Kumar Gupta, J.)