13.3.2023
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SB
Ct. No.236

CRR 1543 of 2011

In the matter of : Md. Jawaid & Ors.

Mr. Kunal Ganguly … for the petitioners

Mr. Saswata Gopal Mukherjee
Ms. Zareen N. Khan
Md. Kutubuddin … for the State

This criminal revision challenges the charge-sheet no. 51 of 2005 dated 30.4.2005 submitted after investigation under Sections 498A/406 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibitions Act corresponding to G.R. No. 12 of 2005 pending before the learned Additional Chief Judicial Magistrate, Asansol.

Heard Mr. Ganguly, learned counsel representing the petitioners and Md. Kutubuddin, learned counsel representing the State.

Briefly stated, one Yasmin Khatoon filed a petition of complaint before the learned Additional Chief Judicial Magistrate, Asansol stating *inter alia* that her marriage with Md. Jawaid was contracted on 19.4.2003. At the time of marriage 'Dower' was fixed at Rs. 21,500/- and as demanded by accused nos. 6, 7 and 8, who happen to be the mother-in-law and negotiators of the marriage, father of the complainant was made to give 10 bhoris of gold ornaments, 10 bhoris of silver ornaments, one Colour Television, one Refrigerator, one Palank, one Steel Almirah, one Sofa Set, one Dressing Table, one Show case, various types of utensils etc. But her father could not present the motor-cycle as demanded by her husband. After the marriage she was taken to her matrimonial home where she was subjected to teasing as her

father could not present the motor-cycle. She was abused in her matrimonial home. She was physically assaulted and after three days of marriage she had to leave her matrimonial home. She was admitted to a nursing home at Asansol. Her father requested her husband to give him some more time to fulfil his demand. The complainant was taken back to her matrimonial home and one day she was asked by her mother-in-law to prepare some tea. After entering into the kitchen the complainant smelt a rat and found that knob of the gas stove was kept open which according to the complainant was ploy to kill her. On 26th May, 2003, the accused no. 1 went to Abudhabi leaving the complainant at her matrimonial home. On 02.6.2003 her father came when the inmates of the family, in front of her father, assaulted the complainant and she was forced to leave her matrimonial home.

Learned Additional Chief Judicial Magistrate, Asansol was pleased to forward the petition of complaint to the jurisdictional police station under Section 156(3) of Cr.P.C. and Kulti P.S. Case No. 4/2005 was registered on 04.01.2005. Police after investigation submitted charge sheet against eight accused persons.

Mr. Ganguly, learned counsel representing the petitioners submits that the alleged incident took place in Bihar but the criminal proceeding was initiated at Asansol. Therefore, learned Trial Court does not have any jurisdiction to try the offence. On that score, the proceeding should be quashed. It is further submitted that the petitioner no. 6 Ansari Khatoon @ Guddi has been cited as accused no. 5. Petitioner Nos. 7 & 8 are the

persons, who negotiated with the family of the accused persons. before marriage. These three persons do not have any role to play in the day to day life of the complainant and the accused persons. Therefore, they cannot be said to have any role in the alleged incident.

In view of the provision of Section 178 of the Code of Criminal Procedure, the point touching lack of jurisdiction cannot be held to be a point sufficient to quash the proceeding.

So far the petitioner nos. 6, 7 and 8 are concerned, upon perusal of the charge sheet as well as the petition of complaint, I do not find any specific allegation to hold prima facie that Keshweri Khatoon, petitioner no. 6, Nisar Alam, petitioner no. 7 and Afsari Khatoon, petitioner no. 8 had anything to do with the alleged plight of the de facto complainant.

The proceeding stands quashed qua the petitioner nos. 6, 7 and 8. However, the rest of the petitioners shall have the right to urge all points taken in this application, before the learned Trial Court.

Learned Trial Court is requested to proceed with the trial of the case as expeditiously as possible in order to ensure the rights of the litigants to have speedy justice.

With this observation, the revisional application is disposed of.

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

(Siddhartha Roy Chowdhury, J.)