

10.01.2023

Item No.62
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2289 of 2021

**Sk. Moniruddin & Ors.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Biswajit Hazra,
Mr. Archisman Sain ... For the Petitioners.

Mr. Angshuman Chakraborty ... For the State.

Mr. Atanu Biswas,
Mr. Bikram Basak ... For the Opposite Party No.2.

The present revisional application has been preferred challenging the proceedings arising out of Galsi Police Station Case No. 329 of 2021 dated 14.07.2021 under Sections 498A/406 of the Indian Penal Code. It has been submitted that pursuant to the completion of investigation, charge-sheet has been submitted before the jurisdictional court.

Mr. Chakraborty, learned advocate appearing for the State submits the memorandum of evidence which has been prepared in connection with the materials collected by the investigating agency of the present case. Records reflect that prosecution relied upon eight witnesses. There has been recovery of materials pursuant to the list so furnished by the *de facto* complainant/opposite party no.2 as also there are witnesses to support the prosecution case.

Learned advocate appearing for the petitioners submits that the present case was a counterblast pursuant to the

notice which was issued for snapping the marital tie. The complainant has initiated the case on misrepresentation of facts including falsely implicating the relations of the husband. The learned advocate emphasised that the incident which has been referred to in the FIR also relates to time when the petitioner no.1 was engaged in discharge of his official duty. The present petitioners are the husband, father-in-law, sister-in-law and her husband who are related to opposite party no.2.

Learned advocate for the opposite party no.2 submits that there is specific allegation against the present petitioners and any interference at this stage is bound to cause miscarriage of justice.

Having considered the materials in the case diary particularly, the statement of the complainant/opposite party no.2, I find that there are materials against all the four accused persons at least for abetment in respect of the physical and mental torture which has been inflicted upon the private opposite party. Having considered the fact that charge-sheet has already been submitted and at this stage the balance which has to be drawn by the Court in between some suspicion and grave suspicion, I am of the opinion that *prima facie* the facts which have surfaced on the basis of the materials collected by the investigating agency do make out a case for grave suspicion thereby deterring the Court to exercise its jurisdiction in favour of the petitioners. Thus, no interference is called for. However, the petitioners would be at

liberty to agitate the points canvassed in this revisional application at the stage of Sections 239/240 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 2289 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)