

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 3156 of 2016
With
IA No. CRAN 2 of 2018 (Old No. CRAN 2957 of 2018)

Uma Mukhopadhyay (Barman) & Anr.
Vs.
Indrajit Mukhopadhyay & Anr.

Mr. Ambu Bindu Chakraborty
... For the petitioners

Ms. Sreyashee Biswas
... For the State

1. This revisional application was filed with a prayer for quashing the proceeding, being Belghoria P.S. Case No.559 dated 18th July, 2016 under Sections 323/448/341/307/379/427/506/34 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Barrackpore.

2. According to the petitioners, the opposite party no.1 filed one application under Section 156(3) of the Code of Criminal Procedure before the learned Additional Chief Judicial Magistrate, Barrackpore for the incident alleged to have been committed on 10th July, 2016 while he was assaulted by the petitioners and other persons armed with deadly weapons and the petitioners also ransacked the house of the complainant. The incident was reported to the police station where Belghoria P.S. Case No.559 dated 18th July, 2016 was started under Sections 323/448/341/307/379/427/506/34 of the Indian Penal Code.

3. Belghoria P.S. Case No.559 dated 18th July, 2016 was started at the instance of the opposite party no.1 as a retaliation after filing one application by the revisionist before the police alleging the incident of torture upon her by her in-laws before Belghoria Police Station where the case was registered as Belghoria Police Station Case No.553 dated 30th December, 2012 under Sections 498A/325 of the Indian Penal Code and charge sheet was also submitted on 15th January, 2013.

4. Mr. Ambu Bindu Chakraborty, learned advocate, appearing on behalf of the petitioners submitted that Belghoria P.S. Case No.559 dated 18th July, 2016 is a counter-blast of the case already lodged by the petitioner no.1. Mr. Chakraborty also submitted that no evidence was collected during investigation to constitute any offence alleged in this case. Alternatively, Mr. Chakraborty has submitted before this Court that necessary direction may be given to the learned Trial Court to dispose of the case as expeditiously as possible.

5. Ms. Sreyashee Biswas, learned advocate, on behalf of the State has submitted that there is sufficient evidence collected in course of evidence to initiate the trial in this case as charge sheet has already been submitted.

6. On careful scrutiny of the evidence collected during investigation, I find hardly any scope to appreciate the evidence at this stage, particularly, in exercise of power under Section 482 of the Code of Criminal Procedure. I do not find any reason to quash the proceeding while the Investigating Officer after collecting evidence,

including the statements of witnesses, submitted charge sheet against the accused persons.

7. Learned advocate for the State submits that the case is at the stage when copies are yet to be supplied in compliance with Section 207 of the Code of Criminal Procedure.

8. From the record, it appears that the charge sheet was submitted on 30th August, 2016.

9. Given facts and circumstances, the learned Trial Court is requested to dispose of the case as expeditiously as possible.

10. With the aforesaid observations, the revisional application, being CRR 3156 of 2016 and the connected application, being CRAN 2 of 2018 (Old No. CRAN 2957 of 2018), stand disposed of.

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

12. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)