

28.11.2023
SL. 9
Court No. 34
Sourav/
Suvayan

C.R.R. 4494 of 2023
With
CRAN 1 of 2023

In re: An application Under Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Sri Suman Biswas & Ors.**

... petitioners.

Mr. Kusal Kumar Mukherjee

...for the petitioners.

Md. Anwar Hossain

... for the State.

Mr. Krishnendu Bhattacharya

Mr. Priyankar Ganguly

Ms. Neelanjana Ghorai

Ms. Sarmistha Basak

... for the opposite party no. 2.

Petitioner is directed to serve a copy of the revisional application upon Md. Anwar Hossain, learned advocate who ordinarily appears on behalf of the State, his appearance may be regularized by the concerned authorities.

The subject matter of the revisional application relates to Bhimpur Police Station Case No. 283 of 2022 dated 17.07.2022 along with the charge-sheet submitted in connection with the said case after conclusion of investigation.

Records reflect that the case was registered for investigation under Sections 498A/376/307/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, however, the charge-sheet was submitted under Sections 498A/323/354A/376/511/307 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

Both the parties submit that there has been a compromise and amicable settlement between the parties and the defacto complainant do not intend to pursue the present

litigation. I have considered the submissions of both the parties, the petitioners and that of the defacto complainant.

Having regard to the sections under which cognizance of the offence has been taken by the learned CJM, Krishnagar, Nadia, I am of the opinion that this Court cannot summarily decide the issue in respect of the compromise arrived at between the parties as the allegations which have been supported by some evidentiary materials collected by the investigating agency do give rise to sessions triable offence.

Accordingly, I direct the learned CJM, Krishnagar, Nadia to commit the case to the learned Sessions Judge, Nadia within a period of four weeks preferably by 22nd December, 2023. The learned Sessions Judge, Nadia would, thereafter, fix a date for consideration of charges. If in course of recording of evidence of the victim/defacto complainant, it is found that the victim is not willing to proceed with the case, the petitioner will be at liberty to approach this Court praying for quashing of this case.

With the aforesaid observations, the present revisional application being **CRR 4494 of 2023** along with **CRAN 1 of 2023** is disposed of.

Pending any other applications, if any, are disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

