

06.12.2024
Court No.32
Item No.31
pk

CRR 78 of 2023

Rahamat Ali alias Apel and others
Vs.
The State of West Bengal

Mr. S. S. Roy,
Mr. Debapriya Samanta,
Mr. S. Palit

... for the petitioners.

Mr. Debasish Roy, Ld. P. P
Ms. Anasuya Sinha,
Ms. Eshita Dutta

... for the State.

1. By filing this Criminal Revisional application, the petitioners have challenged the Impugned Order No. 11 dated 14.09.2022 passed by the Learned Additional Sessions Judge, Fast Track, 1st Court, Lalbagh, S. Sl. No. 35 of 2022 arising out of G. R. Case No. 4533 of 2019 in connection with Lalgola Police Station Case No. 846 of 2019 dated 19.11.2019 under Sections 498A/304B/34 of the Indian Penal Code, 1860 thereby rejecting the petitioners' petition for further investigation, *inter alia*, praying for proper determination of the investigating officer of the nature of the case as to whether it is suicidal or homicidal wherein charge sheet under Section 304B of the Indian Penal Code, 1860 amongst others has been submitted.
2. The allegation of the petitioners was that Tahamina Khatun was married to the petitioner no. 1 one and half years ago. Dowry was given. They started conjugal life at

the matrimonial home. The informant's daughter was regularly tortured physically and mentally by the petitioners for more money. On being apprised of the factum of her torture at the hands of the petitioners, the informant paid about Rupees one and half lakhs on different occasions. Subsequently, the informant's daughter came to learn that the petitioner no. 1 was having illicit relationship with another lady. The petitioner no. 1 did not stop such relationship. In spite of being apprised of discontinuance of such relationship, the informant's daughter became pregnant. On 18.11.2019 at about 5 a.m., some neighbours of the petitioners informed one Asadul Sk., who is the next door neighbour of the informant about his daughter's death over mobile. On receiving such news from one Rupali Bibi, the informant and others had gone to the matrimonial home of the informant's daughter and found that the petitioners were absconding and the victim was lying dead on her bed. In the said case, charge sheet has been submitted under Sections 498A/304B/34 of the Indian Penal Code, 1860.

3. Being aggrieved with the said investigation by the I. O., the de-facto complainant has filed an application for further investigation. The said prayer was rejected by the Learned Additional Sessions Judge and fixed for framing of charge withholding the prima facie offence for accused persons which was deserved to be framed under Sections

498A/304B/302/34 of the IPC. This Court does not find any error in the impugned order as such, there is no call for any interference by the Court.

4. Stage of the proceeding is framing of charge and next date is fixed tomorrow i.e. 07.12.2024 for framing of charge before the Learned Trial Court as per information of the learned counsel for the petitioners. Accordingly, the Learned Trial Court is directed to frame charge upon giving opportunity of hearing to the parties and considering the entire materials available in the case diary strictly in accordance with law.
5. With the aforesaid observations, **CRR 78 of 2023** is disposed of.
6. Petitioners are directed to communicate this order to the Learned Trial Court.
7. Registry is also directed to communicate this order to the Learned Trial Court for information and taking necessary actions.
8. Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)