

August 6, 2024

14 ARDR

CRR 141 of 2023

CRAN 1 of 2024

Ripan Saha @ Ripon Saha & ors.

Vs.

The State of West Bengal & anr.

Adv. Subrata Bhattacharya,

Adv. Indranuj Dutta,

...for the petitioners.

Adv. Anwar Hossain,

Adv. Debadrita Mondal,

...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

None appears for the private opposite party despite service.

By consent of the parties, the revisional application along with the connection application, being CRAN 1 of 2024 are taken up for consideration.

Heard learned counsels for the parties.

The primary grievance of the petitioners is that the private opposite party who is the wife of the first petitioner filed an application under Section 156(3) of the Code of Criminal Procedure which was registered as an FIR and upon completion of investigation, charge sheet has been submitted against the petitioners. The application under Section 156(3) was filed without compliance of the mandate laid down under Sections 154(1) and 154(3) of the Code.

It is crystal clear from the complaint itself that the provisions laid down under Sections 154(1) and 154(3) were not complied with prior to filing the application under Section 156(3) of the Code.

In view of the above, this Court is inclined to hold that the proceedings initiated in terms thereof has no legal sanction and is therefore, liable to be quashed.

In the result, the proceedings being G.R. case no. 2337 of 2022 pending before the learned Judicial Magistrate, 5th Court, Krishnanagar, Nadia is quashed.

The petitioners be set at liberty at once and discharged from their bail bonds.

The revisional application, being CRR 141 of 2023 and the connected application being CRAN 1 of 2024 are disposed of.

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

(Suvra Ghosh, J.)