

08 25.01.2024
NB
Ct. No.05

CRR 103 of 2018

**Nilay Dutta & Anr.
Vs.
State of West Bengal & Anr.**

Mr. Debasish Roy Id. PP.,
Mr. Rudradipto Nandy,
Mr. Anand Keshari.
...for the State.

Mr. Kunal Ganguly,
Mr. Kaustav Banerjee.
....for the OP No.2.

None appears on behalf of the petitioners nor any accommodation is not prayed for. They were not appeared on previous dates as well. Already several directions were given to them to assure their presence but none turned up since 5th June, 2023. Therefore, petitioners were directed to assure their presence in Court today otherwise this matter would be decided on the basis of the material available on record. Accordingly, this record is taken up for passing order.

However, learned Advocate for the Opposite Party No.2 is present and submits for dismissal of this revisional application because the petitioners are willfully avoiding his appearance before this court to frustrate his interest. He sat idly after getting the order of stay, and did not think it necessary to appear and take proper steps in this matter.

On the other hand, learned Advocate for the State also submits that this matter is running in the list since 5th June, 2023 but petitioners are not bothered to appear before this Court despite several opportunity were given. That this revisional application was filed by petitioners for quashing of proceeding being Bally Police Station Case No.480 dated 20th November, 2010, G.R No.5315 of 2010 and charge-sheet No.692 of 2011 under Sections 498A and 323 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Howrah.

The certified copy of the FIR reveals that Bally Police Station Case No.480 dated 20th November, 2010 was started on the written complaint of Mahasweta Mazumder lodged against accused Nilay Dutta and Gitashree Roy. It is alleged therein that she married to Nilay Dutta in the year 1995 as per Hindu Rites and Rituals and a female child was born out of the said wedlock. Later he developed illicit relationship with Gitashree Roy i.e., petitioner number 2 herein. When complainant resisted him, Nilay Dutta assaulted her physically and started to inflict mental and physical torture on her.

On the said the written complaint, the Bally Police Station Case No.480 dated 20th November, 2010 u/s 498A, 323 of I.P.C was started against both accused namely Nilay Dutta and Gitashree Roy and the I/C of the Bally P.S has entrusted it to ASI Sourendranath Dutta for investigation. After taking charge of this case the I.O has investigated this matter in depth and submitted charge sheet under Sections 498A, 323 of I.P.C, after getting the allegation true. On the basis of the said charge-sheet, a criminal proceeding was started against the petitioners/accused and is pending before the learned Chief Judicial Magistrate, Howrah.

I do not find any apparent irregularities or illegality or violation of any procedure either (i) in the F.I.R lodged by O.P.2 (ii) in investigation (iii) in the charge-sheet or, (iv) in the pending criminal proceedings. Therefore, the intervention of this Court is not required.

Accordingly, the revisional application being CRR 103 of 2018 is dismissed due to lack of merit.

Interim order of stay, if any, stands vacated.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Uday Kumar, J.)

