

04.04.2024
Serial no. 2
[G.S.D]

CRR 529 of 2023
With
CRAN 1 of 2024

**In the matter of : Debojyoti @ Debjyoti Bhattachrya @
Bhattacharyya @ Bhattacharjee & Ors.**

... .. Petitioners

Mr. Sandipan Das
Mr. Badrul karim
Mr. Sarajit Roy

... for the petitioners

Md. Anowar Hossain

... for the State

The petitioners have challenged the proceedings relating to Special (A) Case No. 07 of 2022 pending before the Court of the learned Special Court under Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989, 1st Court, Suri, Birbhum.

The case arose out of Sainthia P.S. Case No. 200 of 2022 dated 24.6.2022, which was registered for investigation for the commission of offence punishable under sections 498A/406/34 of the IPC read with Section 3 of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

The main thrust of contention of the petitioners is that the defacto-complainant initiated another case being Beldanga P.S. Case No. 521 of 2017 and, according to the

petitioners the allegations of Beldanga P.S. Case No. 521 of 2017 and Sainthia P.S. Case No. 22 of 2022 are one and the same.

I have perused the case diary of both the cases and I find that for subsequent cause and event, the second case has been registered. However, all the sections under which charge-sheet has been submitted may not be applicable.

It has been informed that two of the petitioners namely, Tanushree Biswas (Bhattacharya) and Sonali Biswas have been taken into custody and the date for production is fixed on 8.4.2024.

Having considered that the issue arose out of matrimonial dispute and discord, the Id. Special Court would consider as to whether their further detention is required in view of the charge-sheet having already been submitted in connection with the instant case.

The Id. Special Court would issue notice upon the defacto-complainant and the State and dispose of any application for bail which is filed before this court on the date so fixed keeping in mind the observations made above.

So far as the merits of the case relating to continuance of the proceedings is concerned, I direct and grant liberty to the petitioners to take out an appropriate application in the nature of Section 239/227 of the cr.p.c. The Id. Special Court would consider the same in accordance

with law without being influenced by any of the observations made above.

With the aforesaid observations, CRR 529 of 2023 along with CRAN 1 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)