

16.05.2024

Sl. No.:19

Court No.30
BM

CRR 2787 of 2022

Sabina Yasmin Laskar

Vs.

State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya

... for the petitioners

Ms. Sreyashi Biswas

Ms. Puspita Saha

... for the State

1. The present revision has been preferred praying for setting aside of the order dated 02.06.2022 passed by the learned Additional Chief Judicial Magistrate, Diamond Harbour, South 24 Parganas in connection with G.R Case No.3261/2018 arising out of Mathurapur P.S Case No.348/2018 dated 17.11.2018 under Section 498A and 406 of the Indian Penal Code.
2. Vide the order under revision dated 02.06.2022 the learned Magistrate held as follows :

“ Now, on going through the C.D. I find that none of the witnesses who were examined under Section 161 Cr.P.C stated anything against Jahangir Laskar and Rabeya Laskar whose name has not been cited as accused in the charge sheet. The statement under section 161 Cr.P.C of the defacto complainant also does not implicate Jahangir Laskar and Rabeya Laskar, not only that the complainant stated that there was talk going on with her matrimonial inmates for resuming her matrimonial life. She did not state anything against them. From the four corners of the C.D. I find nothing which would go on to show that there are materials against said Jahangir Laskar and Rabeya Laskar for arraigning them as accused in this case. The investigation in this respect of the I.O and the submission of the charge sheet without showing Jahangir Laskar and Rabeya Laskar as accused does not appears to be faulty. I find no ground for allowing further investigation on the

plea that investigation is not proper as Jahangir Laskar and Rabeya Laskar have not been charge sheeted as accused.

Accordingly, this court finds that there is no scope for further investigation in this case in that respect.

Hence,

Ordered

That the prayer for further investigation is rejected.”

3. It is submitted by the learned counsel for the petitioner that the investigation in the present case is not in accordance with law as none of the witnesses as cited by the petitioner in her application under Section 156(3) of Cr.P.C has been cited as a witness in the charge sheet. It is further submitted that these witnesses are the vital witnesses in the present case, which is a proceeding under Section 498A/406 of the Indian Penal Code.

4. Considering the materials on record and the submission made by the learned counsel for both the parties and on perusal of the order under revision this court finds no reason to interfere with the said order, as the same is in accordance with law considering the materials in the case diary.

5. The criminal revision is accordingly disposed of with the liberty granted to the petitioner to make necessary prayer before the trial court during trial, under Section 311 of the Cr.P.C at the appropriate stage, if deemed necessary. If such an application under Section 311 of the Cr.P.C is preferred by the petitioner during trial, the learned trial court shall consider the same in accordance with law.

6. All applications connected thereto stand disposed of.

7. Interim order, if any, stands vacated.

8. Let a copy of the order be sent to the learned trial court for compliance.
9. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)