

02-05-2024
Subha
Item no.
16,17
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3121 of 2023
CRAN 1 of 2024

Sri Shib Sankar Sarkar & Ors.

-vs-

The State of W.B & Anr.

With

CRR 3076 of 2023
Sanjib Majumder & Ors.

-versus-

State of West Bengal and anr.

Mr. Debasish Kar
Mr. Arka Tilak Bhadra
.....for the petitioners.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly
Mr. Koushik Kundu
...for the State.

The two revisional applications being CRR 3121 of 2023 along with CRAN 1 of 2024 and CRR 3076 of 2023 are taken up together as they relate to Nimta P. S. Case No. 202 of 2023 dated 29-04-2023. The petitioners in the first revisional application(CRR 3121 of 2023) are *Sri Shib Sankar Sarkar, Smt. Laxmi Sarkar and Smt Mousumi Majumdar*. While in the second revisional application(CRR 3076 of 2023) the petitioners are *Sanjib Majumdar, Sri Pradip Majumdar, Sri Ranjit Majumdar, Sri Suman Paul Chowdhury and Md. Hasan Ali*.

The grievance of the petitioners are that prior to 10 days of initiation of the present case another case was instituted by Smt.

Jayanti Sarkar being Nimta P. S. Case NO. 188 of 2023 dated 19-04-2023.

Having considered that both the cases arise out of matrimonial dispute and discord and within close proximity of time, I am of the view that the materials in the both the cases should be clubbed together and a single case should be investigated taking into account both the letter of complaint at which the Nimta P. S. Case No. 188 of 2023 dated 19-04-2023 was registered for investigation (as the subsequent case was on the basis of an application under Section 156(3) of the Code of Criminal Procedure).

The Investigating Authority will quash the nomenclature so far as the Nimta P. S. Case No. 202 of 2023 dated 29-04-2023 is concerned. It is further directed that the materials of the second case should be transmitted in Nimta P. S. Case no. 188 of 2023 dated 19-04-2023, if required, there may be addition of sections and/or recoveries in connection with the said case. The Investigating Officer will take into account the different accused persons if any accused persons have been left out and also collect materials keeping in mind the purpose for which the subsequent investigation was registered by the police authorities.

On conclusion of investigation/further investigation in connection with Nimta P. S Case no. 188 of 2023, a single report under Section 173 of the Code of Criminal Procedure would be filed before the jurisdictional court.

So far as the Nimta P. S. Case No. 202 of 2023 dated 29-04-2023 is concerned, since the records/materials are directed to be transmitted to Nimta P. S. Case No. 188 of 2023 dated 19-04-2023,

the existence of the nomenclature as well as any work done by the Investigating Agency in the said case will not run separately and will be deemed to be quashed.

With the aforesaid observations, the revisional application being CRR 3121 of 2023 along with CRAN 1 of 2024 and CRR 3076 of 2023 are partly allowed.

Pending any other applications, if any, are consequently disposed of.

Case diary be returned to the learned advocate for the State.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]