

D/L54
04.01.2024
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C.R.R.4008 of 2022
with
CRAN 1 of 2023

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Tanushree Majumdar @ Tanushree Nanda and another
Versus
The State of West Bengal and another

Mr. Milon Mukherjee
Mr. Biswajit Manna.
...for the petitioners.

Mr. Madhusudan Sur
Mr. Dipankar Paramanck.
...for the State.

Mr. Partha Pratim Das
Mr. Monajit Chakraborty.
...for the opposite party no.2.

The present revisional application has been preferred challenging the continuation of the proceedings of Noapara Police Station Case No.65 of 2022 dated 01.03.2022 which was registered for investigation under Sections 498A/306/304B/406/34 of the Indian Penal Code and is pending before the learned Additional District and Sessions Judge, 3rd Court, Barrackpore. The investigating agency after initiation of the case concluded its investigation and submitted charge-sheet under the same set of Sections.

The petitioner no.1, namely, Tanushree Majumdar @ Tanushree Nanda is sister-in-law and the petitioner no.2, namely, Santanu Nanda is her husband. The case of the prosecution as is reflected from the documents/case diary which has been placed by Mr. Sur, learned advocate appearing for the State is based on

number of documents and 27 witnesses. There are statements of the near relations of the victim, the neighbours who are residing in and around the matrimonial home, the statement of the child of the victim under Section 164 of the Code of Criminal Procedure, the dying declaration of the victim recorded in presence of the Dr. Adrish Banik.

I have taken into account the materials appearing in the case diary and particularly with regard to the statement of the deceased as well as the child and assessed the complicity of the present petitioners. I have also taken into account the statements of the neighbours. I find that the name of the complicity of the present petitioners are missing in the dying declaration and also in the statement under Section 164 of the Code of Criminal Procedure of the child Ashmita Majumdar aged about 4 years. I have also taken into account the statement of the witnesses particularly those who are neighbours and I find that majority of the statements which refer to the present petitioners, narrate that at times when the petitioners used to visit the house, they used to instigate the husband. At this stage, this Court reserves its opinion so far as the statement of the child as also that of the deceased which was made in close proximity of time before her death particularly considering the angle of the complicity of the present petitioners.

On an overall assessment of the facts of the case, I am of the view that at this stage taking into account the prosecution case to be true so far as the present petitioners, namely, Tanushree Majumdar @ Tanushree Nanda and Santanu Nanda are concerned,

they should not be asked to face the ordeal of criminal trial until and unless further materials appear against them in course of the evidence.

Accordingly, the proceedings against the present petitioners, namely, Tanushree Majumdar @ Tanushree Nanda and Santanu Nanda in connection with Noapara Police Station Case No.65 of 2022 dated 01.03.2022 including the charge-sheet submitted therein and pending before the learned Additional District and Sessions Judge, 3rd Court, Barrackpore is hereby quashed.

The petitioners are discharged from their bail bonds. However, if further materials appeared in course of trial of the case, the learned trial court will not hesitate to exercise its powers under Section 319 of the Code of Criminal Procedure.

Accordingly, CRR 4008 of 2022 is allowed.

Case diary be returned to Mr. Sur, learned advocate appearing for the State.

Pending connected application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)

