

26.06.2024

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CRR 4266 of 2023

**In Re : Sandeepan Nandy Chowdhury & Another
... Petitioners.**

**Re: Application under Section 482 of the Code of Criminal
Procedure.**

Mr. Souvik Mitter

Mr. Sanjib Seth

... For the Petitioners

Mr. Debasish Roy

Mr. Joydeep Biswas

... For the State

Affidavit of service filed on behalf of the petitioners is
taken on record.

None appears for the 2nd opposite party despite service.

Heard learned counsels for the petitioners and the State.

Perused the case diary.

The petitioners are the husband and father-in-law of the
2nd opposite party and have prayed for setting aside the order
passed by the learned Additional Chief Judicial Magistrate,
Barackpore on 10th May, 2023 in G.R. Case no. 5288 of 2022
taking cognizance of the charge-sheet.

Learned counsel for the petitioners submits that no
offence under Sections 498A/34 of the Indian Penal Code has
been made out in the statements recorded under Section 161 of
the Code of Criminal Procedure and as such, the proceedings is
required to be quashed.

Per contra, learned counsel for the State takes this Court
to the statement of the witnesses recorded under Section 161 of

the Code as well as the injury report of the 2nd opposite party which *prima facie* indicate that there was some torture meted out upon the opposite party in her matrimonial home by the petitioners. Several questions of facts are involved in the matter which are required to be adjudicated by adducing evidence.

Upon consideration of the material on record, particularly the statement of witness under Section 161 of the Code as well as the injury report of the second opposite party, this Court is inclined to hold that the learned Additional Chief Judicial Magistrate, Barrackpore has rightly taken cognizance of the charge-sheet and the matter is required to be adjudicated upon recording evidence. There is no illegality or irregularity in the order impugned which requires interference by this Court.

In view of the above, the revisional application being CRR 4266 of 2023 is dismissed.

It is recorded that the learned trial Court shall consider the matter independently in accordance with law without being influenced by any observation which may have been made in this order.

There shall be no order as to costs.

Case diary be returned.

Copy of this order be communicated to the learned Additional Chief Judicial Magistrate, Barrackpur at the earliest.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)