

16.01.2024

Sl.No. 58

Ct. 32

Amalranjan

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 3613 of 2017

Sk. Sahajahan
Vs.
The State of West Bengal and anr.

Mr. Imaran Ali
Ms. Debjani Sahu.....for the State

Nobody appears on behalf of the petitioner on call.
Even on earlier occasion no one represented the petitioner,
nor accommodation sought for.

This case pertains to the year 2017, the nature of
prayer and to avoid further delay record is taken up for the
purpose of disposal on merit.

State has produced the case diary and further
submitted that the allegation of the petitioner is genuine.
During investigation, the injury report as well as recorded
statements of the witnesses recorded under section 161 of the
Criminal Procedure Code established, prima facie, case under
section 498A/325/34 of IPC against the petitioner, as such
chargesheet being no. 167/17 dated 30.6.2017 under section
498A/325/34 IPC and 3 and 4 of the D.P. Act has been
submitted against the petitioner and others. Therefore, this
case has no merit for quashing the proceeding under
challenged.

The petitioner being one of the accuseds has been filed this application under sections 401 and 482 of the Criminal Procedure Code seeking quashing of the impugned proceeding being G.R. case no. 615 of 2017 arising out of Ramnagar P.S. Case no. 149/17 under sections 498A/325/34 IPC pending before the learned Additional Chief Judicial Magistrate at Contai with a contention that the complaint lodged by the opposite party/wife is baseless, vague and manufacturing one and no cause of action arose as alleged by the opposite party/wife and if the proceeding will continue then definitely the petitioner will prejudice and for securing ends of justice the impugned proceeding should be quashed.

Having heard the submission of the learned advocate appearing on behalf of the State and upon perusal of the case diary together with materials available thereto, this court finds that chargesheet has been submitted against the petitioner including other accused persons under sections 498A/325/34 IPC and 3 and 4 of the D.P. Act. It further appears the cognizance of the offence has already been taken against the accused persons and charge has already been framed by the trial court. The next date of hearing is 28th January, 2024 for recording of evidence.

Under such circumstances, and disclosure of ingredients of alleged offences and the injury report supports the case of the opposite party no. 2/wife.

In the light of the above circumstances, this court does not find any sufficient reason to quash the proceeding now pending before the learned court below.

Accordingly, the instant revisional application being **CRR 3613 of 2017** is dismissed without any order as to costs.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below for information.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)