

08.07.2024

Sl.No. 61

Ct. 32

Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 3957 of 2017

Sutanu Barman and anr.

Vs.

The State of West Bengal & anr.

Mr. Binay Panda

Mr. Subham Bhakat.....for the State

1. Memo of evidence filed by the State is taken on record.
2. Nobody appears on behalf of the petitioners on call. Even on earlier occasion learned advocate for the petitioners took adjournment to take appropriate instructions from his clients. But till date no instruction has been taken, no one represented the petitioners, no accommodation sought for.
3. This is an application pending since 2017.
4. The essential fact is relevant for disposal of this case.
5. On 09.11.2011 at 07.25 hours one Somnath Das Son of late Satyanarayan Das N-27 , Garden Reach, Paharpur Road, PS –Metiabaruj, Kolkata 700024 lodged a written complaint that his sister Madhumita Das aged 27 years got married with one Sutanu Barman at village Puturia, PO Khurigachi, PS –Shyampur, Howrah on 18.04.2011 as

per Hindu rites and customs. During her marriage her parents gave Golden ornaments and other house hold articles to in-laws. But after her marriage she was subjected to torture by her husband and other in-laws. Finally she tried to commit suicide as such she was shifted to Islamia Hospital Kolkata, where she expired on 22.10.2011.

6. She had committed suicide due to continuous torture by her husband and in-laws. She was compelled to commit suicide due to demand of more dowries, when she was unable to fulfill.
7. Subsequently, chargesheet has been submitted against all the accused persons. Chargesheet being no. 222 of 2012 dated 27.06.2012 under sections 498A/304B/306/34 IPC and under sections 3/ 4 of the Dowry Prohibition Act has been filed against all the four accused persons, namely, 1. Sutanu Barman, 2. Anadi Barman, 3. Rekha Barman and 4. Bikash Baidya. Accordingly, the learned court below took cognizance and the same is pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah and the next date fixed on 22.01.2025 for appearance and ER. Hence, the instant revisional application has come up before this court.
8. Learned counsel appearing on behalf of the State has produced the case diary and further submits that Madhumita Das committed suicide within six months of

her marriage. She was subjected to continuous physical and mental torture for not fulfilling demand of more dowries. She expired on 22.10.2011 at the hospital.

9. During investigation the statement was recorded under section 161 Cr.P.C of various witnesses and collected several documents during investigation including medical treatment papers and finally chargesheet has been submitted. Post mortem report was also collected during investigation.
10. During investigation, prima facie, case has been established against the present petitioners. Accordingly, the present application is liable to be dismissed.
11. On the other hand, no one appears on behalf of the petitioners, no accommodation sought for.
12. Considering the above facts, this revisional application is taken up for disposal of the case on merits and on the basis of materials available in the case records as well as the case diary.
13. By filing this revisional application under section 482 of the Code of Criminal Procedure, 1973, the petitioners being the accused person seeking for quashing of the proceedings being GR case no. 2961 of 2011 pending before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah arising out of Shyampur PS case no. 323 of 2011 dated 09.11.2011 under sections

498A/304B/306/34 IPC and under sections 3/ 4 of the Dowry Prohibition Act.

14. On perusal of the case diary and considering the submission made by the learned counsel for the State, it appears there are sufficient materials available against the accused persons for the offence as alleged by the complainant. Furthermore, chargesheet has been submitted when, prima facie, case has been established against the present petitioners.
15. In view of the above facts and circumstances, this court does not find any sufficient or cogent reasons to quash the proceedings.
16. Consequently, the instant revisional application being **CRR 3957 of 2017** is thus dismissed.
17. Interim order, if any, stands vacated.
18. Let the order be communicated to the Ld. Court below for information.
19. Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.
20. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)