

16.06.2025
Serial no. 77
[G.S.D]

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRR 142 of 2025

In the matter of : Aradhana Rani Karmakar & Ors.
... Petitioner(s)

Mr. Partha Bhowmick
Mr. D. Kundu

... for the petitioner(s)

Mr. A.S. Chakraborty, Id. APP
Mr. Kallol ACharjee

... for the State-respondent(s)

Mr. Sudip Guha
Mr. Sandip Guha Roy
Mr. Ananda Paul

... for the o.p. no. 2

The learned advocate for the petitioners submits that earlier another proceeding was initiated under Section 498A of the IPC at the behest of the private opposite party, but, the petitioner and others were acquitted in the said case being G.R. Case No. 13 of 2014. The present case has been again instituted by the defacto-complainant/the o.p. no.2 being Tufanganj P.S. Case No. 615 of 2024 under Section 498A of the IPC. The same is against the present petitioners who happen to be the mother-in-law, father-in-law and the brother-in-law. The investigating agency on conclusion of

investigation has already submitted charge-sheet in connection with the said case. Learned advocate also submits that on an assessment of the oral evidences/documents which the prosecution proposes to rely, no case has been made out, as such, the present proceeding arising out of Tufanganj P.S. case No. 615 of 2024 should be quashed.

Learned advocates for the defacto-complainant and the private respondent submit that the present case was initiated on the basis of an application under Section 156(3) of the Cr.P.C. The petitioners have been subjected to physical and mental torture at the behest of the private respondent and after the death of the husband of the petitioner, they were forced to be thrown away both from the residential as well as the business premises.

Learned advocate for the State has relied upon the Case Diary and has drawn the attention of the Court to the statement of the witnesses who happen to be neighbours.

Having considered the materials appearing in the Case Diary and the stage of the case wherein the petitioners are yet to receive all the documents under Section 207 of the Cr.P.C., I am of the view that, at this stage, in order to appreciate the truth and/or falsity of the case this court would have to enter into the zone of mini trial, as such, I grant liberty to the petitioners to canvass all the issues

which have been agitated in the present revisional application at the stage of consideration of charges. The learned Magistrate *in seisin* of the issues would assess regarding the same, particularly with regard to the complicity of each of the accused, thereafter, arrive at its independent finding, without being influenced by any of the observations made by this Court while disposing off this revisional application.

With the aforesaid observations, CRR 142 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)