

Criminal Motion 13/25

Order No. 05 dt. 08.08.25

The instant case is fixed today for appearance, LCR.

Ld. Advocate for the revisionist is present and he has submitted that he wants to move the stay application filed along with the appeal as there is every possibility of transferring the case record to any other court for to frame charge against the accused.

Ld. Advocate Sri Gadadhar Nandi for the respondent No.2, 3 and 4 has appeared by filing fresh vokatnama and oppose the prayer for stay.

Ld. Advocate for the petitioner/revisionist has submitted that the order passed by the Ld. ACJM, Chandernagore in connection with G.R case No.1629/22 (arising out of Bhadreswar P.S case No.532/22) is erroneous, misconceived, improper and not binding upon the revisionist. The revisionist is the wife of the respondent No.2 had filed an application for further investigation under Sec.173(8) of the Code of Criminal Procedure (Cr.P.C) on 12.06.24, with a prayer that the I.O had not investigated the case properly and he had submitted the C.S without consulting the C.D and to save the skin of the offender. There was a specific allegation that accused had tried to end the life of the revisionist and at the time of registering the case Sec.307 of I.P.C was added, but the I.O at the time of submitting the report has excluded the said section only to protect the interest of the accused. The entire investigation conducted by the I.O is manipulated one and against the interest of the victim. Therefore, the revisionist had prayed for further investigation but the Ld. Trial Court has turned down the prayer without considering the ground of the petitioner.

The order passed by the Ld. Trial Court is required to be stayed, i/d the revisionist will suffer irreparable loss and mental agony if the charge is framed on the basis of the said report of the I.O.

Ld. Advocate for the respondent No.2, 3 and 4 raised strong objection against such prayer and has submitted that the report submitted by the I.O after completion of investigation is proper, justified and as per law it does not warrant any interference. Stay of the proceeding will only protract the trial of the said case. So the said application for stay requires to be rejected.

None appeared for the respondent No.1.

Petitioner is directed to take step upon the respondent No.1.

Heard and considered the same.

Perused the case record and the document furnished by and on behalf of the petitioner.

On mere perusal of the case record it appears that the marital dispute between the revisionist and the respondent No.2 has originated the present case. Besides this case there are two other cases are pending between themselves as stated by the Ld. Advocate for the petitioner.

From the copy of the FIR it appears that the petitioner has specifically narrated all the events took place after her marriage at her matrimonial house. Wherein she has also narrated the incident dt.30.06.22. Further there is specific allegation against her in-laws against whom the I.O has made a prayer for discharge and in his entire C.S he has not assigned any reason in support of his such prayer which requires to be re-look.

Therefore, the order passed by the Ld. ACJM, Chandernagore is hereby stayed till further order or for a period of four months whichever is earlier.

Ld. ACJM, Chandernagore is directed not to proceed further with the G.R case No.1629/22 till the present revisional application is disposed of.

Office of the ACJM, Chandernagore is further directed to forward the trial court record at the earliest or by date fixed.

B.C-1 is directed to intimate this order of stay to the impugned court.

To 27.11.25 for TCR.

Dictated & corrected by me

Addl. Sessions Judge
F.T.C, Chandernagore, Hooghly

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