



West Bengal Form No.3886.
High Court Criminal Form No.(M)17.

IN THE COURT OF ADDITIONAL DISTRICT & SESSION JUDGE,
FIRST COURT, SEALDAH

PRESENT: SMT. SHARANYA SEN PRASAD
Additional Sessions Judge, 1st Court, Sealdah

Criminal Revision No. 09 of 2026

1. Sikha AusRevisionist

Vs.

1. State of West Bengal

2. Shreya Aus nee BiswasOps

Date of delivery of Judgment : **07.08.2026**

JUDGEMENT

This instant revision is arising against the order dated 03.11.2023 passed by Learned Judicial Magistrate, 1st Court, Sealdah in GR case No. 2588 of 2021 arising out of Ultadanga Women PS case No. 13 of 2021 dated 23.10.2021.

Being aggrieved by and dissatisfied with the said order, the petitioner of the above application has filed the instant revision under section 438/440 BNSS.

The brief fact as appeared in this case is that opposite party Shreya Aus nee Biswas lodged a complaint before Ultadanga Women PS on 23.10.2021 and after investigation IO of the case filed charge sheet on 16.11.2021 being CS no. 15 of 2021 against Saibal Aus and revisionist Sikha Aus for offence U/s 498A/406/506/34 IPC and section 3 and 4 of DP Act and Ld. ACJM, Sealdah on 02.04.2022 took the cognizance of the offence against the accused persons. On 03.-09.2022 the petitioner files a petition U/s 239 of Cr.P.C and after contested hearing on 03.11.2023 Ld. Trial court ie JM, 1st Court, Sealdah rejected the petition U/s 239 of Cr.PC

Being aggrieved by and dissatisfied with the order of the Learned trial court Revisionist has preferred this revision application before this court and prayed to set aside the order of Learned trial court dated 03.11.2023 in GR case No. 2588 of 2021 on the grounds that-

- that the order of the Learned trial court is erred in law and not maintainable;
- that the Learned trial court failed to consider the FIR and statement of the witnesses
- that the Learned trial court failed to consider the fact that there was no torture upon the victim and there was no dowry demand;
- that the order of Ld. Trial court failed to consider the fact that the charge sheet was filed in mechanical way.

POINTS FOR CONSIDERATION

Whether the order passed by the Learned trial court is legally sustainable in law or not ?

DECISION WITH REASON

This revision application is filed against the order passed by the Learned trial court in respect of order date 03.11.2023 in GR case No. 2588 of 2021 where Ld. Trial Court rejected the petition of the revisionist U/s 239 of Cr.P.C.

Advocate of revisionist during hearing stated that without applying judicial mind Ld. Trial court passed the order and did not consider the statement of the witnesses in the charge sheet. There are no specific complaint of torture and dowry demand. By mentioning the verdict of Hon'ble Court in Khakashan Kumar @ Sonam and other Vs State of Bihar and others, Priti Gupta and another Vs State of Jharkhand and another stated that when FIR and charge sheet does not disclose any material which could be held to be constituting any offence against the accused then they must be discharged from the case. She also submitted that it would be unfair to compel the accused to undergo or to face the criminal trial where there is no specific case.

Ld. Advocate for the OP no. 1 submitted that there is specific complaint against the revisionist and police investigated the matter and filed charge sheet. Ld. ACJM, Sealdah took the cognizance of the

offence against the accused persons and the case was transferred to the court of Ld. JM, 1st Court, Sealdah for trial after complying all the provisions. Ld. Trial court after hearing, rejected the prayer U/s 239 of Cr.PC filed by the revisionist. Charge has already been framed on 07.02.2024 against the accused persons for offence U/s 498A/406/506/34 IPC and section 3 and 4 of DP Act and trial already commenced and date is fixed for evidence of prosecution witnesses. Previously, one application was filed before the Hon'ble Court for quashing of the case being CRR 450 of 2024 and the said case was withdrawn and vide order dated 11.12.2025 liberty was granted by the Hon'ble High Court to withdraw the said case being No. CRR 450 of 2024. Thereafter this revision is filed by the revisionist. The order of Ld. Trial court is proper and required no interference and prayed for rejection of the revisional application of the revisionist.

Ld. Advocate for the OP/State submitted that the order of Ld. Trial Court is proper and prayed to dismiss the revision application of the revisionist.

It appears that Shreya Biswas nee Aus, OP no. 2 lodged complaint before OC, Ultadanga Women PS on 21.10.2021 against Saibal Kumar Aus (husband) and Sikha Aus (revisionist) mother in law and I/C of the PS initiated the Ultadanga PS case No. 13 dated 23.10.2021. After completion of investigation IO filed charge sheet on 16.11.2021 against both the accused persons Saibal Aus and Sikha Aus for offence U/s 498A/406/506/34 IPC and 3 and 4 of DP Act and Ld. ACJM, Sealdah on 02.04.2022 took cognizance of offence against the accused persons and thereafter case was transferred to JM, 1st Court, for trial. The petition to discharge the accused U/s 239 of Cr.P.C was filed by the revisionist and after contested hearing the petition was rejected. It appears from the written complaint charge sheet, case docket lying in the TCR shows that there is sufficient materials in the case record. Ld. Trial court properly held that there is no scope to hold the mini trial without going to the proper trial. Quashing of the case filed by the revisionist already withdrawn by the revisionist. Moreover, charge has already been framed against the accused persons. The order of Ld. Trial court is proper and required no interference.

Considering the case record, it appears that the observation of the Ld. Trial court is proper and require no interference.

Hence, the revision petition of the revisionist fails.

In the result, Criminal Revision Application u/s 438/440 BNSS against the order dated 03.11.2023 in GR case No 2588 of 2021 is dismissed.

Hence,

It is,

ORDERED

that the criminal revision case be and the same is hereby dismissed on contest but without any cost.

The impugned order dated 03.11.2023 passed by Learned Judicial Magistrate, 1st Court, Sealdah in GR case No. 2588 of 2021 arising out of Ultadanga Women PS case No. 13 of 2021 dated 23.10.2021 is hereby affirmed.

Let a copy of this order along with TCR be sent back to the Court of Ld. Judicial Magistrate, 1st Court, Sealdah for information.

D/C by me

ASJ, 1st Court, Sealdah

(Sharanya Sen Prasad)
(JO Code-WB00690)
Addl. Sessions Judge, 1st Court,
Sealdah, 24-Pgs.(S).