

**In the Court of Judicial Magistrate (2<sup>nd</sup> Court)**  
**Diamond Harbour, South 24 Parganas**  
**Present: Sri UTTAM DAS, WBSJ (WB1219)**

**Order dated 21/02/2022**

Today the date is fixed for S.A.

Complainant namely Sameer Halder is present along with his conducting lawyer.

Initial depositions of him are recorded. Heard the learned Advocate for the complainant who prayed for issuance of summons against the accused persons u/s 494/323//109 of IPC.

Perused the complaint petition and his initial depositions. The crux of the allegation is that the accused no-1 namely Keya Halder being wife of complainant has married again with accused no2, still their marriage is subsisting.

No prima facie evidence is filed to substantiate the second marriage of his wife. Considering the nature of allegation, only initial depositions would not be enough to issue process against the wife of complainant for commission of offence punishable u/s 494 of IPC.

Considering the facts and circumstances of the present case, it seems to this court that before passing order of issuance of summons upon the accused persons, report should be called for from the concerned P.S about the veracity of the fact of this instant case as alleged in the complaint petition, under section 202 of Criminal Procedure Code.

Accordingly, report be called for from the I/C Magrahat P.S under section 202 Cr.P.C.

Complainant is directed to file requisite at once.

Let a copy of this order sheet along with a copy of the complaint petition, if filed by complainant, be transmitted to the I/C Magrahat P.S. for immediate compliance.

BC-II to comply.

Fix 20/05/2022 for report from the I/C Magrahat P.S U/S 202 of Cr.P.C.

**Dict. & Corrected**

**JM 2<sup>nd</sup> Court D/H.**

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