

02.4.2024
Ct.No. 3
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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRR 100 of 2024

**Md. Salamuddin & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Bhaskar Roy Mohasai,
Ms. Madhushri Dutta,
.....for the petitioner

The instant revisional application has been preferred under Section 482 of the Code of Criminal Procedure for quashing of charge-sheet vide C.S. No. 1 of 2022 dated January 10, 2022 arising out of Pradhan Nagar Police Station Case No. 837 of 2021 dated 15.10.2021 corresponding with Sessions Case No58 of 2022(G.R. Case No. 4823 of 2021) now pending in the Court of Learned Additional Sessions Judge, Fast Track Court at Siliguri.

It is the submission of the learned advocate for the petitioner that the petitioner nos.1 and 2 are the parents in law and petitioner no.3 is the married sister-in-law and petitioner no.4 is the unmarried sister-in-law of a victim namely, Roshni Khatun. The father of the victim has lodged a complaint with the concerned police station alleging offence punishable under

Section 488A IPC read with Sections 3 & 4 of Dowry Prohibition Act, and adding Section 304B of IPC. It is the case of the petitioners that they were not at all involved in the alleged offence and admittedly victim along with her husband was residing separately to the place of the present petitioner. Dying declaration recorded by the I.O. during the course of investigation does not implicate the present petitioner in the alleged offence. So, the impugned charge sheet filed against the present petitioner is not legally tenable in the eye of law. He further submits that the discharge application filed by the present petitioner was turned down by the learned Sessions Judge on January 9, 2024.

Having heard the learned Counsel for the petitioner also considering the body of instant petition along with connected annexures, it appears to me that there is arguable case on behalf of the petitioner. So, I think it necessary to admit the instant criminal revision. Accordingly, the instant criminal revisional application be admitted.

Petitioner is directed to serve the copy of revision application along with the annexures to the opposite parties and file affidavit of service on the returnable date.

Let the matter appear in the next available circuit.

Considering the facts and circumstances of the case there shall be order of stay of operation of the proceeding being Session case no.58 of 2022 pending before the learned

Additional Sessions Judge, Fast Tract Court, Siliguri till 4th week of May 2024.

The petitioner is at liberty to pray for extension of the interim order by filing separate application.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)