

27.07.2026

Serial no. 17

[Srimanta]

Ct. No. - 29

CRR 2817 of 2026

MANOJ KUMAR CHAKRABORTY & ORS.

-VS-

STATE OF WEST BENGAL & ANR.

*Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Saryati Dutta,
Mr. Antarikha Basu, Advocates*

... ... For the Petitioners.

1. In this application, the petitioners are aggrieved by the order dated 11.06.2026 by which the Court below without making charge hearing and without disposing petitioners' application for discharge has fixed dates in the month of September, 2026 for examination of charge-sheet mentioned witnesses.
2. Mr. Sekhar Kumar Basu, learned Senior Counsel for the petitioners, submits that the Trial Court by an order dated 30th December, 2014 had earlier framed charge against the petitioners under Sections 498A/325/406/506/34 of the Indian Penal Code. Challenging said order, the petitioners preferred Revisional Application before this Court being CRR/742/2015. While setting aside the said order dated 30th December, 2014 by which trial court framed charge against the petitioners, this Court was of clear view that the learned Magistrate had not applied his mind and the charge has been framed in a mechanical way, because on perusal

of statements recorded U/s 161 Cr.P.C, it appears that there is a story of torture but there is nothing in regard to the alleged offence under Sections 406/506 of the Indian Penal Code and there is also no indication in the order itself that the learned Magistrate considered the injury report.

3. Thereafter, the petitioners have sought for their discharge by filing an application under Section 239 of the Code of Criminal Procedure on 2nd February, 2018. Learned Court below fixed several dates for hearing such application but without disposing the same he has fixed next date for adducing evidence by the prosecution.
4. Having considered submissions made on behalf of the petitioners, it appears that the order impugned dated 11.06.2026 is a palpably wrong order in view of the fact that the Court below has neither disposed of the petitioners' application for discharge filed under Section 239 of the Code of Criminal Procedure nor has he framed any charge against the petitioners after the aforesaid order passed by the High Court and, therefore, the question of fixing date for recording evidence of the prosecution witnesses does not arise.
5. In view of the above, the instant application being CRR/2817/2026 is hereby disposed of with a direction upon the Court below to dispose of petitioners' application seeking their discharge on the next date, i.e., 07.09.2026

or within a period of 30 days thereafter. The impugned order dated 11.06.2026 is hereby set aside. However, this order shall not prevent the petitioners to make prayer for quashment of the entire proceeding, if so instructed, in future.

(Dr. Ajoy Kumar Mukherjee, J.)