

Sr. 16
13-09-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 451 of 2019

In the matter of : Sri Sankar Das & Ors.petitioners.

In Re : An application under Section 482 read with Section 482 of the Code of Criminal Procedure.

Mr. Debasis Kar
Mr. Husen Mustafi
....for the petitioners.

Mr. Tanmoy Chowdhury
Mr. Goutam Kumar Maity
....for the de facto complainant.

Mr. S. G. Mukherji, PP
Mr. Arijit Ganguly,
Mr. Sandip Chakraborty
.....for the State.

“Vakalatanama” filed by the de facto complainant/opposite party no.2 be kept with the record.

Mr. Kar, learned advocate appearing on behalf of the petitioners submits that the proceedings arising out of Gaighata Police Station Case No. 166 of 2016 dated 15.02.2016 ended in a charge-sheet under Sections 498A/304B/34 of the Indian Penal Code.

Mr. Kar, learned advocate for the petitioners submits that there are no allegations, which compel the present petitioners being the husband, father-in-law and mother-in-law of the deceased to face trial.

To that effect, learned advocate for the petitioners draws the attention of this court towards the suicidal note as also the statement of witnesses on which the prosecution has relied upon.

According to the learned advocate for the petitioners the witnesses on whom the prosecution have relied upon are neighbours of the parental home of the deceased who may not have any idea regarding the fact that whether any torture at any point of time has been inflicted upon the deceased or not.

Mr. Sandip Chakraborty, learned advocate for the State has produced the case diary before this court for consideration.

I have perused the suicidal note, which categorically states regarding involvement of the husband. So far as the other petitioners are concerned, their names are appearing and their complicity are expressed by the witnesses on whom the prosecution have relied upon. Whether such witnesses can be relied upon or not or whether being neighbours of the parental home can be trusted, are materials for the learned trial court to decide.

Considering the stage at which the petitioners approached this court, I am of the view that no interference can be made by this court at this stage when the case is yet to be committed to the Court of Sessions.

With the aforesaid observations, the present revisional application being CRR 451 of 2019 is disposed of.

All pending applications, if any, in connection with revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)