

08.06. 2022
item No.62
n.b.
ct. no. 34

CRR 572 of 2022

**Ramesh Hazra & Ors.
Vs.
State of West Bengal**

Mr. Suman De.
Mr. Debanshu Ghorai,
.....for the Petitioner

Ms. Anasuya Sinha,
Mr. Pinak Kr. Mitra,
... for the State.

Mr. Ghorai, learned advocate appearing for the petitioner submits that similarly placed accused persons have been discharged by the Investigating Agency and unnecessarily the present petitioner has been implicated in the instant case. Additionally, Learned advocate submits that on perusal of the materials submitted by the Investigating officer and relied upon by the prosecution the applicability of Sections 333/325 and 308 of the Indian Penal Code are not applicable.

Ms. Sinha, learned advocate appears on behalf of the State and opposes the contention advanced by the learned advocate appearing for the petitioner.

I have considered the submission so advanced and I am of the opinion that so far the maintainability of the case is concerned, the Learned Court in seisin of the matter would consider the issue as to whether there is grave suspicion or some suspicion so far as the petitioner is concerned. So far the applicability of the Section

being 333/325 and 308 of the Indian Penal Code is concerned, the Learned Court would assess regarding the applicability of the same from the materials collected by the Investigating Agency which would include the medical documents as also the statement recorded by the police authorities.

Liberty is granted to the petitioner to prefer an application for discharge under the relevant provision of law before the learned Trial Court. The Learned Trial Court would dispose of such application in accordance with law and decide whether the charges are to be framed.

The warrant of arrest so issued against the petitioners be stayed till June 30, 2022, in the meantime, if the petitioners surrender before the jurisdictional Court, the Learned Court would consider their bail in accordance with law. In case the petitioners do not surrender within the schedule date referred to above, the learned Court would be at liberty to exhaust harsher process of law on July 1, 2022.

With the above observations, CRR 572 of 2022 is disposed of.

All pending connected applications, if any are consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)