

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

CRR 1385 of 2022

Mansura Bibi @ Banu @ Banuwara Bibi

Vs.

The State of West Bengal & Anr.

For the Petitioner : Mr. Arnab Chatterjee
Mr. Anisur Rahaman

Heard on : 02.05.2022

Judgment on : 02.05.2022

The Court :

This is an application praying for quashing of a proceeding in which a charge sheet was submitted under Section 302 read with Section 34 of the Penal Code.

Learned counsel appearing on behalf of the accused petitioner submits as follows. The petitioner is the mother-in-law of the victim deceased. It was alleged by the de facto complainant/mother of the victim that the petitioner and her relatives were responsible for the murder of the victim. Apart from the stray allegation contained in the First Information Report that the de facto complainant had seen the

petitioner and others fleeing away from the place of occurrence immediately after the occurrence, there is hardly any allegation against the petitioner. The petitioner is absolutely innocent and have been falsely implication in this case. No prima facie case is made out as would be evident from a plain reading of the First Information Report. Any further continuation of the impugned proceeding shall be an abuse of the process of the Court.

I have heard the submissions of the learned counsel for the petitioner and have perused the revision petition.

It appears from the FIR that a categorical assertion has been made by the de facto complainant that she had seen the present petitioner fleeing away from the place of occurrence along with others immediately after the alleged incident. This is what can constitute a 'last seen together' evidence. It is not for this Court to test a genuineness of this allegation at this stage.

The points taken up by the petitioners essentially relate to disputed questions of fact, which cannot be decided by this Court in an application for quashing of a proceeding.

A charge sheet has been submitted by the investigating agency. A plain reading of the First Information Report and the charge sheet would show that a prima facie case is made out against the petitioner.

Therefore, I do not find any merit in this application.

Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

The petitioner shall be at liberty to raise all the points taken up in this application before the learned trial court.

With these observations, the revisional application is disposed of.

Urgent photostat certified copies of this judgment may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta,J.)

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