

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 1435 of 2022

**Sujoy Das & Anr.
Vs.
The State of West Bengal & Anr.**

**For the petitioners : Mr. Kunal Ganguly, Adv.,
Mr. Tirthankar Mukherjee, Adv.,
Ms. Madhurima Sarkar, Adv.,
Mr. Munshi Ashiq Elahi, Adv.**

For the State : Ms. Amita Gaur, Adv.

Judgement on : 26.07.2022.

Bibek Chaudhuri, J.

Affidavit-of-service filed in Court today be kept with the record.

On the unnatural death of one Dibakar Basu, Bangaon Police Station Case No. 212/2018 was registered on 7th March, 2018 against the wife of the deceased and one Sujoy Das alleged to be the boyfriend of the wife of the deceased. The aforesaid police case ended in submission of charge-sheet under Sections 306/120B of the Indian Penal Code against the petitioners. After filing of the charge-sheet, Sessions Case No. 25/2021 was registered against the petitioners. The Trial Court has fixed date for framing of charge on 27th July, 2022.

At this juncture the petitioner has filed the instant application praying for stay of further proceeding in Sessions Case No. 25/2021 till the disposal of CRR No. 1435/2022 which is filed by the petitioners for quashing of the above-mentioned proceedings pending in the Trial Court.

I have heard the Learned Advocate for the petitioners and the Learned Public Prosecutor-in-Charge. I am of the view that the petitioners will not be prejudiced if the Trial Court frames charge against the petitioners. However, there may be some reasons for the petitioners to be prejudiced if the trial of the case commences. Therefore, the instant revisional application is disposed of directing the Learned Trial Judge to frame charge against the accused persons on the date fixed but the Learned Trial Judge will not proceed with the trial of the case till the disposal of the instant revision.

The petitioners are directed to appear before the Trial Court on 27th July, 2022.

The Trial Court shall act upon the server copy of this order.

The instant application is, thus, **disposed of**.

(Bibek Chaudhuri, J.)