

07-02-2023
Subha
Item no.17
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 962 of 2021

Rita Patra
-versus-
The State of West Bengal & Ors.

Mr. Suman Chakraborty
....for the petitioner.

Mr. Arijit Ganguly
Ms. Debjani Sahu
....for the State.

The petitioner is aggrieved by the fact that in spite of the injured suffering serious injuries including 7/8 stitches being administered upon the injured victim, the police authorities have restricted themselves to only Section 325 of the Indian Penal Code.

The main thread of contention of the petitioner/complainant before this court is that in the facts and circumstances of the present case, it was incumbent upon the investigating officer to add charges under Sections 326/307 of the Indian Penal Code.

In view of the status of the case, I direct that the learned Magistrate at the stage of consideration of charge will take into account the injuries, particularly the grievous nature of the same and arrive at his conclusion as to the applicability of either Sections 325 or 326 or 307 of the Indian Penal Code and accordingly would either retain the case with himself or commit the case to the appropriate court of law.

With the aforesaid observations, the present revisional application being CRR 962 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]