

10.04.2023

Item No.15
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1342 of 2021

**Moumita Bhattacharyya & Anr.
versus
The State of West Bengal & Anr.**

In Re: An Application under Sections 482 and 401 of the Code of Criminal Procedure read with Article 227 of the Constitution of India.

Mr. Arka Pratim Chowdhury,
Ms. Saswati Chatterjee,
Mr. Sunny Nandy,
Mr. Tamal Singha Roy ... For the Petitioners.

Mr. Partha Pratim Das,
Ms. Manisha Sharma ... For the State.

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

Learned advocate appearing for the petitioners submits that the petitioner no.1 happens to be the sister-in-law while the petitioner no.2 happens to be the husband of the opposite party no.2. The learned advocate for the petitioners submits that the petitioner no.1 is staying at a separate place and she has been falsely implicated in connection with the instant case. The complicity of the petitioner no.1, according to the learned advocate, is not established from the documents so relied upon by the prosecuting agency.

Mr. Das, learned advocate appearing for the State produces the case diary and draws the attention of the Court to the list of witnesses which have been enclosed along with the report under Section 173 of the Code of Criminal Procedure.

I have perused the statements of the witnesses and I find that there are allegations against both the petitioners so far as physical and mental torture are concerned. The present petitioners approached this Court at a stage when the charge-sheet was submitted before the jurisdictional court. It has been informed that charge has been framed by the learned trial court. It has further been informed that other accused persons have approached the learned sessions court in its revisional jurisdiction. Having regard to the change of circumstances, I am of the view that the petitioners approached this Court at a stage for quashing of the charge-sheet and as charge has already been framed, the stage of the case, at which the petitioners approached this Court, has totally been altered. Consequently, no interference is called for in the present revisional application.

The petitioners, if so advised, would approach the learned sessions court for the same relief as the other accused persons have sought for.

With the aforesaid observations, the revisional application being CRR 1342 of 2021 is disposed of.

Pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)