

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 1412 of 2018
with
IA No. CRAN 1 of 2018 (CRAN 1884 of 2018)

Chandan Roy Chowdhury & Anr.
Vs.
The State of West Bengal & Anr.

Mr. Arnab Sinha
Mr. Dyutiman Banerjee
Mr. Amartya Basu
... For the petitioners

Mr. Narayan Prasad Agarwala
Mr. Pratick Bose
... For the State

1. This revisional application is filed challenging the order dated 7th December, 2017 passed by the learned Additional Sessions Judge, 3rd Court, Barasat in connection with Sessions Case No.403 of 2016 whereby the learned Judge refused the prayer for discharge of the accused invoking Section 227 of the Code of Criminal Procedure.

2. Both the learned advocates appearing on behalf of the petitioners and the State are present.

3. Learned advocate appearing virtually on behalf of the petitioners has submitted that during investigation of this case, one suicide note was recovered and that suicide note did not disclose the name of either of the petitioners, save and except few statements recorded under Section 161 of the Code of Criminal Procedure.

4. The case was initially put into motion by one Sudhanshu Das before the Officer-in-Charge of Rajarhat Police Station alleging, inter alia, that his son Santu Das, aged about 18/19 years, was a salesman of a shop and there was love affairs between his son and daughter of Chandan Roy Chowdhury. Before the incident, Chandan Roy Chowdhury and his wife, Padma Roy Chowdhury, came to the locality where the complainant resides and threatened with dire consequences. Thereafter, Santu Das, son of the complainant, committed suicide.

5. On receipt of the complaint, Rajarhat Police Station Case No.23 of 2014 dated 8th February, 2014 under Sections 306/34 of the Indian Penal Code was started. During investigation, witnesses were examined and recorded their statements under Section 161 of the Code of Criminal Procedure and recovered one suicide note.

6. After completion of investigation, charge sheet was submitted against both the petitioners under Sections 306/34 of the Indian Penal Code.

7. On behalf of the petitioners, one application was filed under Section 227 of the Code of Criminal Procedure for discharging the accused on the ground of no evidence collected during investigation.

8. Learned Judge, by the impugned order, returned his finding as quoted below:-

“It appears that in the suicidal note there is no mention of any name of these accused persons but from the written complaint and statements recorded under Section 161 Cr.P.C., prima facie it appears that there are sufficient materials present against these accused persons for which Charge can be framed. As such, prayer for discharging the accused persons from this case is rejected.

To 15.02.2018 for framing of Charge.”

9. Learned advocate appearing on behalf of the State submitted that there are sufficient materials in the case diary to proceed with the trial.

10. On careful perusal of the written complaint as well as statement recorded under Section 161 of the Code of Criminal Procedure, I am unable to come to a conclusion that no prima facie charge under Sections 306/34 of the Indian Penal Code is made out at the threshold of the trial.

11. In the aforesaid view of the matter, I am unable to interfere with the impugned order.

12. The revisional application stands dismissed.

13. Interim order, if there be any, stands vacated.

14. The connected application, being CRAN 1 of 2018 (CRAN 1884 of 2018), stands disposed of accordingly.

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

16. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)