

Form J(1)

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

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

CRR 3188 of 2022

**Sumana Bibi
Vs.
State of West Bengal & Anr.**

**For the petitioner : Md. Asraf Ali,
Mr. S. S. Arefin.**

Judgement on : 23.03.2023.

Bibek Chaudhuri, J.

Charge under Sections 302/201 of the Indian Penal Code has been framed against the petitioner. The petitioner has challenged the order of framing of charge upon rejection of an application under Section 227 of the Code of Criminal Procedure filed on behalf of the petitioners.

I am in agreement with the learned Advocate for the petitioner that the entire case is based on circumstantial evidence. There is no direct evidence or eyewitnesses of the occurrence.

It is submitted by the learned Advocate for the petitioner that implication of the petitioner, namely, Sumana Bibi is not at all justified only on the ground that she allegedly had illicit relationship with one Milon Mondal.

By filing a supplementary affidavit the petitioner has filed the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure which were relied on by the Trial Court to state that the learned Trial Court wrongly placed reliance on the statement of some of the witnesses while framing charge under Sections 302/201 against the petitioner.

In this regard, I like to mention the statement of one Jahanara Bibi, Wife of the deceased victim. She stated before the Investigating Officer that the petitioner, wife of Yunus Mallick had illicit relationship with one Milon Mondal and over the said incident her husband used to raise protest. For such reason, Sumana Bibi masterminded the commission of offence with the help of other miscreants.

This piece of evidence is sufficient for the learned Trial Judge to frame charge against the petitioner. The submission made by the learned Advocate for the petitioner may hold good at the time of final hearing of the case but at this stage, I am in agreement with the learned Trial Judge that charge has correctly been framed against the petitioner and, therefore, I do not find any ground to admit the instant revision. Accordingly, the instant revision is summarily dismissed.

(Bibek Chaudhuri, J.)