

07.02.2024
Item No.43
Ct.No.34
dc.

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

C.R.R. 382 of 2024

In the matter of : **Ruma Das & Anr.** ... Petitioners.

Mr. Satadru Lahiri,
Mr. Abir Chakraborty,
Mr. Safdar Azam,
Mr. Jyotirmoy Talukder ... For the Petitioners.

The petitioners are aggrieved by the manner in which the investigation has been conducted in connection with Belgharia Police Station Case No. 07 of 2022 and the investigating agency on conclusion of investigation submitted charge-sheet before the jurisdictional court under Sections 306/34 of the Indian Penal Code.

Learned advocate appearing for the petitioners submits that the victim was mentally unstable and the present petitioners, in fact, tried to assist him. There was a dispute between the family members as also the present petitioners and the brother of the victim with a spiteful attitude implicated the present petitioners.

I find that the investigating agency has collected materials as also statement of the witnesses concerned. The case is yet to be committed to the court of sessions. Having regard to the voluminous materials collected by the investigating agency, I direct that in case an application under Section 227 of the Code of Criminal Procedure is filed before the jurisdictional court, the learned trial court will adhere to the principles set out for consideration at the stage of charges and would decide independently whether any case

has been made out for continuation of the trial of the present case so far as the present petitioners are concerned. At this stage, this Court leaves it on the learned trial court to decide the application under Section 227 of the Code of Criminal Procedure, if any preferred at the instance of the present petitioners.

The petitioners would be at liberty to canvass all the issues addressed in the present revisional application before the learned trial court at the stage of consideration of the charges.

Needless to state that this Court has not entered into the merits of the case and the learned trial court at the said stage would independently decide the issues.

With the aforesaid observations, the revisional application being CRR 382 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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.)