

13-05-2024
Subha
Item no. 83
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1949 of 2024

Pranabendu Bhattacharyya and Anr.
-versus-
State of West Bengal and Anr.

Mr. Subhrojyoti Bhowmick
....for the petitioner.

Petitioners being the father-in-law and mother-in-law have challenged the continuance of the charge-sheet and the accompanying materials collected by the Investigating Agency in connection with Narendrapur P. S. Case No. 429 of 2022 dated 04-05-2022 under Sections 498A/406/365 IPC.

Learned advocate for the petitioners has drawn the attention of this court to the letter of complaint as well as the statement under Section 164 of the CrPC.

It has been contended that the petitioners are aged parents who had no control over the conduct and act of their son. Further, there are medical reports which the investigating Agency has obtained which reflects that the de facto complainant is violent in nature.

Additionally, it has also been pointed out that the grand-father who is in custody of the grand-daughter cannot be foisted with the charges under Section 365 CrPC.

I have taken into account the submissions of the learned advocate for the petitioners and I am of the view that the issues so canvassed first be addressed before the learned trial court at the stage of consideration of charges. Accordingly, if the petitioners take out an application under Section 239 of the Code of Criminal Procedure the learned trial court would assess on two counts, firstly, whether the

sections to which the report under Section 173 CrPC has been filed are applicable to all the accused persons and secondly, on the issue whether case has been made out for continuation of the trial on the materials collected by the Investigating Agency.

Needless to state that this court has not gone into the merits of the case and has only granted an opportunity to the present petitioners to canvass all the issues before the original court being the trial court, as such the trial court would consider on the aforesaid parameters without being influenced by any observations made by this court.

If such an application is preferred, the learned trial court will dispose of the matter within a period of three months from the date of filing of the revisional application.

With the aforesaid observations, the revisional application being CRR 1949 of 2024 is disposed of.

Pending applications, if any, are consequently dispose 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]

