

WPA 17092 of 2023

Jharna Halder

-vs-

The State of West Bengal & ors.

Mr. Soubhik Mitter

Mr. Litan Maitra

Ms. Rajnandini Das

....for the petitioner

Mr. Wasim Ahmed

Mr. Sk. Md. Masud

....for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner relies on a copy of the order dated 17.01.2024 passed by a Division Bench in CRA (DB) 5 of 2024 while dealing with an application for bail of the accused.

The Division Bench of this Court observed as under:

“4. We have considered the materials on record. Petitioner and the victim are medical professionals. They developed a romantic relationship and started living together. Unfortunately, the victim was found hanging in the official quarter of the petitioner. Though it is strenuously contended the incident was a product of mental depression, it may be relevant to note that the body bears not less than 14 injuries. Some of the injuries are recent in origin, while others are opined to be six days old. These findings support a case of continuous physical torture on the victim lady.

5. The complainant has contended that this is a case of homicide and is pursuing her grievances before the learned Single Judge in WPA 17092 of 2023. Such issue may be addressed at the stage of consideration of charge by framing alternate charges, if necessary.”

It appears that evidence have already been collected by the Investigating Agency. Such evidence and other materials on record can fairly be considered by the learned Judge at the time of framing of charge to frame alternative charges, if necessary.

Therefore, no further order need be passed in this regard.

The writ petition is disposed of with a request to the learned Trial Judge to act in terms of the directions passed by the Division Bench on 17.01.2024 in CRA (DB) 5 of 2024, in much as, the issues raised by the petitioner in the writ petition may be addressed at the stage of consideration of charge by framing alternative charges, if necessary.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)