

03.09.2025
Item No.4
Court No. 26
CHC
(Bench ID: 265691)

C.R.R. 868 of 2025

In Re:- An application under Section 482 of the Criminal Procedure Code, 1973/ an application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Asadul Sk @ Dablu & Anr.

..... petitioners

Mr. Amit Roy, Advocate

...for the petitioners

1. Revisional application is directed against an order dated September 25, 2024 passed in Murshidabad Sessions Case No. 32 of 2024.
2. Learned advocate appearing for the petitioners submits that, in view of the observations contained in the order granting bail dated August 14, 2024 passed in CRM (DB) 2121 of 2024 charged under Section 302 of the Indian Penal Code, 1860 should not be framed. At worst, charge under Section 304 of the Indian Penal Code thereof may be considered.
3. With deepest of respect, observations made in the order granting bail *prima facie*, in nature. It is for the jurisdictional Court to consider whether, materials in the case diary require framing of charge under a particular section of Indian Penal Code, 1860 or not.
4. In the present case, jurisdictional Court, thought it prudent to frame charge under Section 302 of the Indian Penal Code, 1860.

5. I am not minded to interfere with such order, since, the foundational basis of the contention of the petitioner is an observation made in an order granting bail.
6. As noted above, observations made in an order granting bail are *prima facie* in nature.
7. In such circumstances, we find any merit in the present revisional application.
8. C.R.R. 868 of 2025 is **dismissed**.

(Debangsu Basak, J.)