

Sl.No.
34 07.08.2025

Court
No. 35

G.S.Das

WPA 7861 of 2024

Ajit Ghosh
-Vs-
The State of West Bengal & Ors.

Mr. Tanmay Basu
M. Ambika Sasmal
... for the Petitioner(s)

Mr. Santanu Kr. Maitra
Ms. Rupsha Chakraborty
... for the State – Respondent(s)

The petitioner is aggrieved by the factum of charge-sheet having been submitted in connection with Chandrakona PS Case No. 487 of 2019 under Sections 498A/306/406/34 of the IPC and Sections 3/4 of the DP Act.

The petitioner’s further grievance is that although the case was registered under Section 302 of the IPC but the same, after the investigation of the case, has been reduced to abetment of suicide. The petitioner prays for further investigation.

Learned advocate for the State submits Memorandum of Evidence.

I have considered the Memorandum of Evidence. Since the primary grievance of the petitioner is for investigation to be conducted in a proper manner and the fact that the case was registered in the year 2019, more than six years have passed since such investigation commenced, I am of the view that, at this belated stage, it would not be proper to send the case for further investigation.

The provisions of the Criminal Procedure Code permits that at any stage charges can be altered. If there are materials in the Case Diary which suggest that charges can be framed under Section 302 of the IPC and/or Section 304B of the IPC, the learned Sessions Judge while considering at the stage of trial of the case and/or during the trial of the case, would alter the charges so that the defacto-complainant who has set the law

into motion may not be deprived of substantial justice.

With the aforesaid observations, WPA 7861 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Memorandum of Evidence so filed be kept with the record. A copy of the Memorandum of Evidence be handed over to the learned advocate for the petitioner.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

