

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 1050 of 2012

Anamika Bhattacharjee

Versus

The State of West Bengal & Another

For the Petitioner : Mr. Kallol Mondal, Sr. Adv.
Mr. Krishan Ray, Adv.
Mr. Souvik Das, Adv.
Ms. Anamitra Banerjee, Adv.
Mr. Akbar Laskar, Adv.
Mr. Srayash Kumar Singh, Adv.

For the State : Mr. Debasish Roy, Ld. PP
Mr. Sandip Chakraborty, Adv.
Mr. Dipankar Paramanick, Adv.

Heard on : 28.11.2025

Judgment on : 05.12.2025

Ajay Kumar Gupta, J:

1. The petitioner, being the accused, has preferred this Criminal Revisional application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'), seeking quashing of the proceeding being G.R. Case No. 783 of 1992 arising out of Kaliyaganj Police Station Case No. 126 of 1992 dated 21.08.1992 under Sections 306/497/34 read with Section 120B of the Indian Penal Code, 1860 (in short 'IPC') and all orders passed therein in connection with the said proceeding pending before the Learned Chief Judicial Magistrate, Raigunj, Uttar Dinajpur.

FACTS OF THE CASE

2. The brief facts of the case are that Kaliyaganj P.S. Case No. 126 of 1992 dated 21.08.1992 under Sections 306/497/34/120B of the IPC was registered for investigation on the basis of a written complaint lodged by Adhir Bhattacharjee, i.e. opposite party no. 2 with the Officer-in-Charge, Kaliyaganj Police Station.
3. The allegation was, inter alia, to the effect that on 24.07.1992, the dead body of Ashis Bhattacharjee, the younger brother of the opposite party no. 2 was found on the floor of his official quarter at Kaliaganj. He was an employee of West Bengal Comprehensive Area Development Corporation Complex, Kaliyaganj. Hearing the news, the opposite party no. 2, along with his family members, went to the spot.

Soon thereafter, police personnel from Kaliyaganj PS came there and took the dead body of Ashis for post-mortem examination to ascertain the cause of his unnatural death.

4. It is apparent from the written complaint that one Amanat Ali was having an illicit relationship with the family of the deceased. In order to get rid of himself from the incident, the said Amanat Ali availed casual leave from 27.07.1992 and was trying to ensure his transfer to Hooghly district to save himself.
5. It was further stated in the complaint that the death of the deceased was not an unnatural death and seemed to be a murder as such, the complainant prayed for an enquiry into the matter.
6. The investigation into the case ended in a charge sheet under Sections 306/497/34 of the IPC against the petitioner Smt. Anamika Bhattacharjee, wife of the deceased Ashis Bhattacharjee and Amanat Ali. The Learned Magistrate, upon receiving the charge sheet, took cognizance of the offences and proceeded accordingly. The petitioner has come up with this Revisional application praying for quashing of the proceedings on the ground that she is innocent. Her name was unnecessarily included as an accused. Hence, this Criminal Revisional application.

SUBMISSION ON BEHALF OF THE PETITIONER:

7. Learned senior counsel appearing on behalf of the petitioner submitted that in the year 1994, a criminal Revisional application was filed by Amanat Ali being CRR No. 2873 of 1994 and on 25.04.2011, a coordinate bench of this Court allowed the Revisional application and quashed the proceeding insofar as accused Amanat Ali was concerned, and further discharged Amanat Ali from the case vide order dated 25.04.2011.
8. It was further submitted that although the dead body was found on 24.07.1992 and the de facto complainant/Opposite party no.2 came to know about the death of his younger brother on the same day, he did not lodge an FIR before 21.08.1992. The charge sheet shows that the cause of death of the deceased could not be detected at the time of filing the charge sheet. No role has been attributed to the present petitioner in any manner in instigating the deceased to commit suicide. It is also not clear how the death occurred.

SUBMISSION ON BEHALF OF THE STATE:

9. Mr. Roy, learned Public Prosecutor, appearing on behalf of the State, submitted that the court has taken cognizance of the offences against the petitioner on the basis of prima facie materials. He further concedes that the principal accused was discharged from his bail

bond after quashing the proceedings against him by the then co-ordinate bench of this Hon'ble High Court.

DISCUSSION AND FINDINGS BY THIS COURT:

- 10.** Having heard the arguments and submissions made by the parties and upon perusal of the judgment passed by the co-ordinate bench of this Court, it is found that there was an inordinate delay in lodging the FIR, even though the dead body of the deceased was found by his own brother in his official quarter long before the lodging FIR. No explanation or reason for delay was mentioned in the FIR. Sufficient material is also not available against the present petitioner with regard to her instigation to commit suicide. Furthermore, during the investigation, there was no clarity as to whether the death was either suicidal or homicidal in nature.
- 11.** It was also found that neither a specific role was attributed to the appellant, nor was her involvement in the death of the deceased brought during investigation. Only on suspicion, a person cannot be arraigned as an accused.
- 12.** In the above back drop, it would be very difficult to accept that there was a prime facie case before the Trial Court to proceed with the case and take cognizance of the offences as alleged. No case has been made out against the petitioner. The continuation of such a proceeding, which has been pending for about 33 years, would be an

empty formality. Even if this court allows such proceedings to continue, the conviction would be remote and rare, and further, it would be an abuse of the process of law.

13. Consequently, it appears to be a proper case where this court should exercise its inherent power under Section 482 of the Code of criminal Procedure.
14. Accordingly, **CRR 1050 of 2012** is, thus, **allowed**. Connected pending applications, if any, are also, thus, disposed of. De-tagged the **CRR No. 2873 of 1994** from this record and sent separately to the concerned department, since it is already disposed of.
15. Consequently, the proceeding being G.R. Case No. 783 of 1992 arising out of Kaliyaganj Police Station Case No. 126 of 1992 dated 21.08.1992 under Sections 306/497/34 of the Indian Penal Code, 1860 pending before the Learned Chief Judicial Magistrate, Raigunj, Uttar Dinajpur is quashed insofar as the petitioner is concerned.
16. Let a copy of this Judgment be sent to the Trial Court for information.
17. Interim order, if any, stands vacated.
18. Case diary, if any, be sent back to the learned counsel for the State.
19. Parties shall act on the server copies of this Judgment uploaded on the website of this Court.

- 20.** Urgent photostat certified copy of this Judgment, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J)

P. Adak (P.A.)