

C.R.R. 1516 of 2025

In the matter of:- **Sri Anubrata Das & others.**

Mr. Indranuj Dutta
...for the petitioners

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are challenging an order refusing to discharge the petitioners from the case. A charge sheet was submitted against the petitioners under Section 498A, 307 and 34 of the Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. There is hardly any material to indicate that Section 307 of the Penal Code could be attracted. Learned trial Court failed to appreciate this. As would be evident from the injury reports, the injury on the head was not much severe. Even the other charges are not made out against the petitioners in the facts and circumstances of the case.

From the statements of witnesses annexed with the revision petition, it appears that there is an allegation of demand for dowry and of torture for not meeting the same. Therefore, prima facie case of 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act would be made out, subject to what is finally found during trial.

So far as the charge of Section 307 is concerned,

there are medical papers which indicate that there was a physical assault. Whether an injury on the head could have been fatal or not is purely question of fact and can best be decided during trial.

Learned trial Court while deciding the question of discharge was also of the same view that the points taken up involved questions of fact that ought to be decided during trial.

In view of the above, I do not find any merit in this application.

Accordingly, the same is dismissed, albeit, without any order as to costs.

However, the petitioners shall be at liberty to take up all the points available to them including the ones taken up herein before the trial Court and the trial Court shall decide the matter in accordance with law and without being swayed by any observation made by this Court in this revision.

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

(Jay Sengupta, J.)