

25.02.2025
Item No.32
Ct. No.35
dc.

W.P.A. 13243 of 2023

**Rina Debnath & Anr.
versus
The State of West Bengal & Ors.**

Ms. Sangita Jangra,
Ms. Payel Neogi ... For the Petitioners.

Ms. Reshma Chatterjee ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

The petitioners are aggrieved by the fact that in connection with Dum Dum Police Station Case No. 109/2023 dated 03.03.2023 although police authorities on conclusion of investigation submitted charge-sheet, but the charge-sheet was only submitted under Sections 498A/304B/406/34 of the Indian Penal Code and the provision of Section 302 of the Indian Penal Code was not incorporated in the charge-sheet. The petitioners being aggrieved have approached this Court.

As none appears on behalf of the State, Ms. Reshma Chatterjee, learned advocate, who ordinarily appears for the State, is directed to represent the State. Her appointment may be regularised by the concerned authorities.

Learned advocate appearing for the petitioners submits that in the meantime, the case has been committed to the court of sessions and charges have been framed and the case is ready for evidence.

Having considered that the sessions triable case has reached at an advanced stage and the learned sessions court already had an opportunity to assess regarding the charges which have been framed, as submitted by the learned advocate for the petitioners, I direct that in case after evidence of the *de facto* complainant and/or the family members who have been cited as witnesses in the case, an application for alteration of charges is filed by the *de facto* complainant through the learned public prosecutor conducting the case, the learned trial court will consider the same in its true and proper perspective and pass orders in accordance with law.

With the aforesaid observations, the writ petition being WPA 13243 of 2023 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)