

30.06.2026

Serial no. 06

[Srimanta]

Ct. No. - 29

IA NO: CRAN/1/2026
in
CRR 1617 of 2025

In re : An Application under Sections 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of the Bharatiya Nagarik Sureaksha Sanhita, 2023

-And-

In the matter of : MOTIAR BHANDARI @ LALTU

... .. Petitioner

*Mr. Jagannath Ganguly,
Mr. Tanmay Manna,
Ms. Sutapa Mondal, Advocates*

... .. For the Petitioner.

*Mr. Kallol Mondal, Ld. P.P.,
Mr. Imran Siddiqui, Advocate*

.....For the State.

Mr. Mrityunjoy Chatterjee, Advocate

.....For the Respondent No. 2.

1. Petitioner herein is aggrieved by the submission of charge-sheet against the petitioner, inter alia, under Section 307 of the Indian Penal Code corresponding to GR Case No. 1840/2023 presently pending before learned Additional Sessions Judge, 1st Court, Uluberia, Howrah being Sessions Case No. 48/2024.
2. Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner submits that the material collected during investigation as well as petition of complaint does not contain any iota of evidence to attract Section 307 of the Indian Penal Code. However, the

Investigating Agency after making a perfunctory investigation has submitted charge-sheet, inter alia, under Section 307 of the Indian Penal Code and the Magistrate has committed the case before the Court of Sessions for sessions trial.

3. Mr. Chatterjee, learned Counsel appearing on behalf of the opposite party no. 2, submits that there are sufficient materials to frame charge under Section 307 of the Indian Penal Code and, therefore, learned Magistrate has not committed any mistake in committing the case before the Sessions Court.
4. Learned Counsel appearing on behalf of the State leaves the prayer of the petitioner to the discretion of the Court in view of materials available in the record as well as in the case diary.
5. Having considered the submission made on behalf of the petitioner as well as both the opposite parties, the instant Application being CRR/1617/2025 is hereby disposed of with a direction upon the Court below to make charge hearing on 2nd July, 2026 or preferably within a period of 30 days thereafter, by giving opportunity to all the parties and thereafter to decide whether the allegations and the materials collected during investigation disclose any offence under Section 307 of the Indian Penal Code or not. However, if he finds that the offence does not attract

Section 307 of the Indian Penal Code, he shall return the record to learned Magistrate to conduct the trial. However, I would like to make it abundantly clear that the Court below while conducting the charge hearing, shall not get influenced by any observation made herein by this Court and shall dispose of the hearing strictly on merit.

(Dr. Ajoy Kumar Mukherjee, J.)