

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS.

CRR 2291 OF 2023

CHINMAY PANDA

VERSUS

THE STATE OF WEST BENGAL & ANR.

WITH

CRR 760 OF 2024

SRI TARASANKAR KAR & ORS.

VERSUS

THE STATE OF WEST BENGAL & ANR.

For the Petitioner

(in CRR 2291 of 2023) : Mr. Pawan Kr. Gupta, Adv.

For the Opposite Party Ms. Sofia Nesar, Adv.

(in CRR 760 of 2024) Mr. Santanu Sett, Adv.

Mr. Abhijit Bose, Adv.

For the petitioner

(in CRR 760 of 2024)

For the Opposite : Mr. S.P. Pahari, Adv.

Party Mr. Sayantan Rakshit, Adv.

(in CRR 2291 of 2023)

For the State : Ms. Amita Gaur, Adv.

Ms. Nazid Ahmed, Adv.

Reserved on : 06.04.2026

Judgement on : 25.06.2026

Uploaded on : 25.06.2026

CHAITALI CHATTERJEE DAS, J.:-

1. The revisional application being CRR 2291 of 2023 is filed by the petitioner under Section 482 read with Section 397/401 of the Code of Criminal Procedure for setting aside of the impugned order dated 22.11.22 passed by the Learned Additional Sessions Judge, 1st Track 2nd Court, Contai in connection with Sessions Case no. 528 of 2019 under Section 306 of the Indian Penal Code which arose out of Contai Police Station no. 110 of 2017 dated 16.04.2017 refusing the prayer of discharge .C.RR 760 of 2024 is filed by the petitioners for quashing of a proceeding and the charge sheet in connection with Contai P.S case no 57/17 dated 14.2.2017 under section 306/120B/34 ,Session case no.528/2019 pending before the same court.

The case of the petitioner in CRR 2291 OF 2023

2. The petitioner is the paternal uncle of the Opposite Party no. 2 and the victim is the elder brother of the petitioner who died by committing suicide on 13th February, 2017. The elder brother of the petitioner married one Moumita Panda on 13.06.1995 and thereafter they started their conjugal life at the matrimonial house. Later on the brothers of said Moumita Panda, Tara Shankar Kar, Noni Gopal Kar along with one Noni Gopal Mishra the brother-in-law of Moumita Panda used to visit the house of the elder brother of petitioner on various pretext and used to make unreasonable demand from him and failure to fulfil of such demand resulted in torture upon the victim. The wife of the victim and her family members intended to grab the ancestral property of the petitioner and his brother and lodged various false and fabricated criminal cases against him along with the victim brother and other family members. The victim was a mere Government service holder and he

found it immensely difficult to fulfil unreasonable demand made by his wife as a result he was abused in filthy and deplorable languages not only in private but also in public. The victim keeping in mind the future well-being of his two daughters quietly absolved all torture perpetrated upon him by his wife and her relatives and thereafter on 13.02.2017 the wife of the deceased and her family members demanded a fixed deposit to the tune of Rs. 10 lakhs to be made in her name and when he expressed his inability to do so all of them perpetrated acute physical torture upon him which provoked the victim to commit suicide. The victim took his life by hanging himself on 13.02.2017 at night 9.30 P.M. to 10 P.M at night and on the basis of such aforesaid incident the petitioner lodged a letter of complaint with the Officer-in-Charge of Contai Police Station under Section 306/34 of the Indian Penal Code against the wife of the victim and her brothers, which was registered as Contai P.S. case no 57 of 2017 dated 14.02.2017 under Section 306/34 of the Indian penal Code. The Police authorities after a thorough investigation submitted a charge sheet under Section 306/120B/34 of the Indian Penal Code against the wife, daughter and brother of said Moumita Panda. After that the charges were framed against them by the Learned Trial Court and since they pleaded not guilty and claimed to be tried the trial commenced. The petitioner has been examined herein as prosecution witness no 1 and his evidence was recorded in that case. During pendency of the same, the daughter of the victim the Opposite Party no. 2 herein after an unreasonable delay of about 2 months and with a sole view to wreak vengeance upon the petitioner approached the court of Learned Additional Chief Judicial Magistrate, Contai and registered a petition of complaint alleging commission of offence by the petitioner

punishable under Section 306 of the Indian Penal Code. The allegation levelled against the petitioner was that the present petitioner and the grandmother of the Opposite Party no 2 perpetrated mental and physical torture on the mother of the Opposite Party no, 2 for dowry and on those terms she lodged a complaint under Section 498A/323/34 of the Indian Penal Code against the petitioner, the father of the Opposite Party no. 2 and grandmother of the Opposite Party no. 2. The said complaint culminated in final report being G.R. case no. 1675/2015 and is presently pending for adjudication before the appropriate forum. Subsequently the parents of Opposite Party no. 2 amicably settled the dispute and they started residing separately. It was alleged in the written complaint that the present petitioner started pressurising the father of the Opposite Party no. 2 to transfer certain properties in his name and as he was not aggregable to such proposal he started abusing the father of the petitioner sometime over phone and sometimes in person and further instigated him to die either by hanging or by consuming poison.

- 3.** It was further alleged that on 27th January, 2017 when the Opposite Party no. 2 while leaving for her college from her home she found her father in a depressed state and came to learn from him who told her that on previous night the petitioner instigated him to commit suicide by either hanging himself or by consuming poison. The continuous instigation of the petitioner to her father compelled him to commit suicide. Thereafter on 13.02.2017 at night the father of the opposite Party no. 2 was again abused by the petitioner and he provoked the father of the Opposite Party no. 2 to die and lastly around 9.30 to 10 P.M at night he committed suicide by hanging herself. She and her mother came to learn about the same from her father before committing suicide and

she further heard the conversation between them . On the basis of such allegation the Learned Additional Chief Judicial Magistrate directed the Officer-in-charge of Contai Police Station to treat the application filed under Section 156 (3) of the Code of Criminal Procedure as First Information Report and to cause investigation thereon. After completion of such investigation the charge sheet was submitted on 31.10.2018 against the present petitioner under Section 306 of the Indian Penal Code. The petitioner states that Learned Court below after supplying the copy in terms of Section 207 of the Code of Criminal Procedure transferred the matter to the Learned Additional 1st Track, 2nd Court, Contai for trial and disposal after commitment. A discharge application was filed on behalf of the petitioner was heard by the Learned Judge on 22.11.22 and after hearing such prayer was rejected. Against such order the revisional application has been filed along with the prayer for quashing of the entire proceeding as being an afterthought and filed with an ulterior motive and to save from the allegation levelled by the petitioner against the Opposite Party no. 2 and her mother.

submissions

4. The Learned Advocate appearing on behalf of the petitioner /brother submits that the Learned Judge at the time of passing of the impugned order failed to take into consideration the intrinsic falsity of the prosecution and malefide nature of the allegation made with a sole view to wreak vengeance upon the petitioner. The Learned Court did not consider and failed to appreciate that an offence under Section 306 of the Indian Penal Code will stand only if there is an abatement for the commission of the crime and the parameters of abetment should be in accordance with Section 107 of the Indian Penal Code. A strong

suspicion must be founded on some materials in the case only the allegation against the petitioner is that he purportedly had a verbal altercation with his brother on 7.2.2017 and that allegation itself even if considered cannot establish the mens rea on his part to instigate another to commit suicide. Accordingly prayed for quashing of the entire proceeding.

5. The Learned Advocate representing the daughter /wife and the brother in laws of the victim on the other hand submits that the wife of the victim was abused and tortured by the in-laws is apparent as a previous complaint was lodged by her against the victim since deceased and other family members. However the same was settled and the parties were living separately. It is their specific case that the Chinmoy Panda directly instigated the victim to commit suicide and the complainant collected one video cassette player, CCTV footage connection dated 08.02.2017 wherein the conversation between one Anjan Maity with her father was recorded and the conversation has also been seen in CCTV footage. The victim expressed reason of mental depression led him to commit suicide. It was averred that victim was seriously humiliated by his brother Chinmoy Panda for residing with her mother and daughter peacefully even after institution of a criminal case under Section 498A of the Indian Penal Code. After claiming aforesaid evidence she believed and confirmed that her father compelled to commit suicide due to incitement of her uncle Chinmoy panda that the present petitioner.

6. The Learned ACJM, Contai after satisfying with the prima facie case directed the Officer-in-Charge to investigate into the matter and accordingly the charge sheet has been submitted against him. The prayer of the Opposite Party no. 2 for discharge from the aforesaid criminal case was heard by the Learned Court

and rejected against which the revisional application has been filed. Accordingly prayed for dismissal of the criminal revisional application.

CRR 760 of 2024

7. This revisional application was filed by the petitioners for quashing of proceeding and charge sheet no 132 of 2017 in connection with Contai P.S. case no. 57/2017 dated 14.02.2017 under Section 306/120B/34 of Indian Penal Code and now pending before the Learned Court and Session Judge, 1st Track 2nd Court, Contai.
8. In this case the petitioner no 1 to 3 are the brother in law of the victim and petitioner no 4 is the widow and petitioner no.5 is the daughter who is the opposite party no 2 in the previous revisional application and the petitioner of the revisional application 2291 of 2023 is the uncle of petitioner no. 5 herein who lodged the complaint against the petitioners as discussed above and in connection of which the charge sheet has been submitted and the trial has commenced.
9. It is specifically argued that the Learned Court without examining the materials on record and statement of witnesses framed the charge in respect of SC case no. 526 of 2019 when there is no prima facie case against them and seriously committed mistake by ignoring that the petitioner no. 5 Sritama Panda is the witness who has been added as an accused in this proceeding by violating the provision of criminal law. Therefore the framing of charge against a person cannot be sustainable in the eye of law. That apart the FIR lodged by the daughter /petitioner no.5 disclosed clearly the commission of offence against the sole accused Chinmoy Panda being her uncle by providing genuine and

concrete evidence of video cassette player, CCTV footage which was examined by the I.O. The victim was provoked and humiliated in such a way by the accused Opposite Party no. 2 Chinmoy Panda that led the victim to commit suicide. On behalf of the petitioner's decision relied upon ***State of Rajasthan Vs. Surendra Singh Rathore***¹ paragraph 9 where the principle were discussed regarding the permissibility of the lodging of a second FIR. Further relied upon the decisions in ***Dr. Nallapareddy Sridhar Reddy Vs. State of Andhra Pradesh and Ors.***², ***Prakash and Ors. vs State of Maharashtra and Anr.***³, ***State of Rajasthan Vs. Ashok Kumar Kashyap***⁴, ***State of Rajasthan vs. Fatehkaran Mehdu***⁵.

10. The submission advanced by the prosecution in both cases that after completion of investigation prima facie materials are found which primarily establishes the allegations and hence the trial should be allowed to be concluded. It is further submitted that in the chargesheet the investigating officer prima facie countered the statement of the daughter and found certain inconsistencies from the statement recorded in connection with the complaint lodged by the complainant but the materials relied upon should be placed before the Learned Trial court and be tested during trial. Accordingly prayed for dismissal of both the revisional application.

Analysis

11. Having heard both the Learned Advocate and on perusal of the facts and circumstances it transpires that the deceased was the brother of Chinmoy

¹ 2025 INSC 248

² criminal appeal no.1934 of 2019

³ 2024 INSC 1020

⁴ (2021) 11 SCC 191

⁵ (2017) 3 SCC 198

Panda and father of the Sritama Panda. Both the parties have lodged complaint against each other over the death of the deceased which is admittedly a case of suicide due to hanging. The brother of the deceased Chinmoy Panda lodged the complaint on 14.02.2017 when on 13.02.2017 about 9.30 to 10 PM when the deceased committed suicide by hanging. The allegation levelled by the Chinmoy Panda was against the daughter, the wife and her brothers holding them responsible for such commission of suicide alleging that they created pressure to the person concerned for transferring the joint property in favour of the wife and daughter of the deceased. The said deceased was an employee of BL & LRO, Kanthi 3 Office as RI and because of his inadequate salary he failed to meet up the demand of his wife and daughter and he was abused with filthy languages not only in the house but in the open road by the family members of his wife and being unable to bear such pressure and the torture meted out to him he committed suicide being provoked for the same. On 13.02.2017 around 6 PM Nanigopal came to the house of Chinmoy Panda and also Tarashankar Kar and Noni Gopal Mishra came to their house and contacted the wife of the deceased and also pressurised the deceased to make Fixed Deposit of Rs.10 Lakhs in favour of his wife and accordingly abused him with filthy languages when the deceased expressed his inability. He was also physically assaulted which was witnesses by the local people and during night he committed suicide. The charge sheet was submitted after completion of investigation which prima facie discloses that during investigation the I.O. examined the daughter of the deceased who alleged against the Chinmoy panda of using slang language and threatening her father over phone which resulted her father to commit suicide. The I.O.

collected the phone number of Chinmoy Panda and Tanmoy Panda as produced by said Sreetama Panda and collected CDR of the deceased and then perused from 12.02.2017 to 28.2.17 and scrutinised the phone call but could not found any call of Chinmoy Panda with his brother Tanmoy Panda during that time. The CDR clearly discloses that Tanmoy Panda and Chinmoy Panda did not talk before the date of incident or the date of incident. During investigation the I.O. searched a lodge at New Digha and booking register and found that on 14.09.2015 the deceased recovered his daughter from the lodge and after talking with manager and owner of the lodge it was informed that at the time of incident the lodge was not prepared for using public and used by the local site manager in lieu of money. The owner acknowledged that he was driven out from the lodge the said site manager Swapan Ojha who was not found subsequently. The I.O. further recorded the statement of the mother of the deceased who also alleged against the wife daughter and the brother of the wife to be responsible for abating to commit suicide of her elder son and accordingly the charge sheet was submitted against them. The said trial has commenced and the complainant has been examined as P.W. 1.

12. The decision relied upon by the learned advocate representing the daughter /wife and her brothers in the case of ***State of Rajasthan vs Surendra Singh Rathode (supra)*** in paragraph 9 the principles were discussed regarding permissibility of the Registration of second F.I.R which are as follows:

“9. From the above conspectus of judgments, inter alia, the following principles emerge regarding the permissibility of the registration of a second FIR:

9.1 When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered.

9.2 When the ambit of the two FIRs is different even though they may arise from the same set of circumstances.

9.3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.

9.4 When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances.

9.5 Where the incident is separate; offences are similar or different.”

In the said case the incident took place on two different dates but in respect of the incident happened within time span which covers the previous complaint and it was submitted that the allegation of second F.I.R was an attempt to blow up the allegations of the First F.I.R and the Hon'ble Supreme Court found the scope of two F.I.R were distinct and hence allowed both F.I.R to be proceeded. In the decision of **Dr. Nallapareddy Sridhar Reddy Vs. State of Andhra Pradesh and Ors. (supra)** it was held that at the time of framing of charge the court needs to prima facie determine that there exists sufficient materials for the commencement of trial . In the case of **Prakash and Ors. vs State of**

Maharashtra and Anr. (supra) the Hon'ble Supreme Court took note of the decision of **Naresh Kumar vs State of Haryana**⁶ where it was held that-

“.....Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of section 3063 IPC is not sustainable.”

In the case of **State of Rajasthan Vs. Ashok Kumar kashyap (supra)** the factors to be considered at the time of framing of charge was discussed. It was observed and held that at the time of framing of charge a mini trial is not permissible .Similarly in the decision of **State of Rajasthan vs. Fatehkaran Mehdu (supra)** the scope of interference under Section 397 Cr.P.C. and the principles governed under Section 397 Cr.P.C were summarised .

13. From the above judicial pronouncement it goes without saying that the High Court should not unduly interfere and no meticulous examination of the evidence is needed for considering whether the case would end in conviction is not to be the concern of the court at the stage of framing of charge. The brother filed the revisional application for setting aside the order dated 22.11.2022 where the prayer for discharge filed by the brother of the victim was turned down with the specific observation that sufficient materials exists to proceed in the trial . On the contrary the accused in the complaint lodged by the daughter /wife and the brother in law prayed for quashing of the proceeding pending against them lodged by the brother. The factual matrix further disclose that in the complaint lodged by the brother the trial has

⁶ (2024)3SCC 573

commenced and has proceeded fairly when in the other case the stage is framing of charge . The record clearly manifest that previously there was marital dispute between the victim and his wife and the wife lodged the complaint against the victim and his family members in the year 2015 and later on the dispute settled . Another incident also found took place long back when the daughter was recovered from a hotel at Digha but since both the incident took place long back from the date of incident of suicide it is to be ascertained whether any extraneous factor created severe mental pressure and provocation to commit suicide .There is also an underlying issue of transfer of share of the property and of making hefty amount as fixed deposit which are apparent from the materials collected during investigation.

14. It is apparent that the complaint was filed by the daughter under section 156 (3) Cr.P.C after a long period of two months and prima facie the complaint is silent about any explanation about such inordinate delay and without complying with the section 154(3) Cr.P.C .However the petitioner Tanmoy panda did not pray for quashing of the proceeding but for setting aside the order impugned whereby his prayer for discharge has been refused . The learned court Magistrate perused the materials and held that sufficient material exist to frame the charge .In view of the law discussed above regarding the principles governing the framing of charge this court do not find any illegality or infirmity for which any interference is required as it is settled proposition of law that the court cannot hold a mini trial at the time of framing of charge. Similarly this court do not find any cogent reason to quash the proceeding pending against the wife/daughter and the brother in laws since prima facie enough ingredients are apparent to constitute an offence under

section 306 IPC and the trial has commenced and hence they must face the trial .

Conclusion

15. In view of the above discussion this court by this common judgement dismisses both the revisional applications.

Hence the CRR 2291 of 2023 and CRR 760 of 2024 are hereby dismissed. All other connected applications, if any, are hereby disposed of.

16. In view of the fact that both the complaints originated pertaining to the death of the victim and the chargesheet after investigation have been filed in both the cases and now pending before the same court in order to avoid conflict of decision as well as to save the judicial hour it would be proper if both the cases are heard by the same court analogously.

17. Urgent certified copy of the Order, if applied for, be provided to the parties upon observance of all necessary requirements.

[CHAITALI CHATTERJEE (DAS), J.]