

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS.

CRR 2974 OF 2023

WITH

CRAN 4 OF 2026

BIJAY CHANDRA DAS @ BIJOY CHANDRA DAS

VS.

THE STATE OF WEST BENGAL & ANR.

For the Petitioner : Mr. Shibaji Kr. Das, Adv.
Ms. Deblina De, Adv.

For the State : Mr. Debabrata Chatterjee, Adv.
Ms. Purnima Ghosh, Adv.

Last heard on : 24.02.2026

Judgement on : 08.06.2026

Uploaded on : 08.06.2026

CHAITALI CHATTERJEE DAS, J. :-

1. Assailing an order dated 31st July, 2023 passed by the court of learned ACJM, 2nd Court, Kalyani in connection with GR case no. 628 of 2023 arising out of Kalyani Police Station case no. 14 of 2023 dated 4th January, 2023, which culminated in charge sheet no. 39 of 2023 dated 31st January, 2023, under

Section 448/323/506/34 of the Indian Penal Code this revisional application is filed.

2. Heard the submissions of both the learned Advocates as well as the prosecution. The Opposite Parties no. 2 & 3 were never represented. Bereft of any details the case of the petitioner is that he being a de facto complainant lodged a complaint at Kalyani police station over which Kalyani PS case no. 14 of 2023, dated 4th January, 2023 was registered initially under section 307/506/34 of the Indian Penal Code against the Opposite Party nos. 2 and 3 who are the sons of the present petitioner. It is stated that the petitioner is aged about 79 years and has been brutally assaulted by his two sons who are aged about 48 years and 45 years, respectively on 17 December 2022 at about 10 AM. It was further alleged that he reported the matter to the Kalyani PS with a request to take necessary legal action and an enquiry was made to that extent, but no arrest was made. That apart his son Sudeep, the Opposite Party no. 3 assaulted him, mercilessly and forcibly snatched a bag from him containing some important document, which was later returned to him at the intervention of police. He also threatened him to kill unless he transfers the right title interest of the building in favour of Sudeep.

3. The other son Opposite party no. 2 Joydeep Das also threatened him to kill him and he feels insecure and unsafe and in need of necessary police protection. He was physically assaulted by Joydeep on earlier occasion with a view to grab the building and on second May, 2007 he was brutally assaulted by him. He got necessary treatment from the doctor of JNM hospital and submitted medical report to the Kalyani Police Station. It is further his case that about 40 cats and kittens have been forcefully kept in his house by

Joydeep, making his life miserable and prayed for suitable action to be taken to get rid of those and his request was made to make necessary First Information Report against both his sons. It is further the case of the petitioner that in connection with that criminal proceeding, both the sons were arrested and was produced before the court. Their bail application was rejected and they remained in jail custody till 21st January, 2023 and Opposite Party no. 3 was absconding on conclusion of investigation. Charge sheet has been submitted under Section 448/323/506/34 of the Indian Penal Code against the present opposite parties. The learned Magistrate took cognizance on 3rd February, 2023 and issued W/A and P/A against the absconded accused Sudeep Das, and issued summons upon him fixing 4th February 2023, the next date for production. After that in connection with the said proceeding, Jaideep Das the Opposite Party no. 2 was enlarged on bail and the son surrendered and was enlarged on bail.

4. In terms of the order passed by the learned court in the year 2023 direction was given to the accused persons to remove the cats immediately from the house and considering the health condition of their mother allowed them to enter into the house of the petitioner to look after their mother from 10 AM to 12 PM and from 6 PM to 8 PM on regular basis. Accordingly, they entered into the residence and by exerting, undue influence and pressure upon their mother namely Shanti Das and being motivated by them she lodged a complaint against the petitioner under section 498A IPC against the petitioner.
5. It is submitted by the learned advocate representing the petitioner that during pendency of the proceeding the wife of the petitioner expired and the

proceeding lodged by her against the present petition is quashed by this court. The petitioner has challenged the order dated 31st July, 2023 when the parties were duly present and the learned court without any petition filed by the petitioner or any of the parties suo motu examined the mother of the accused persons and wife of the petitioner and one Meghnad Mahato, the caretaker of the building even without summoning order or any order being passed, directing them to be present before the learned court on the next date, when they were not named in the charge sheet. The learned Court thereafter on the same date recorded the plea of the accused persons under Section 251 of the code of criminal procedure for commission of offences under Section 448/323/506/34 of the Indian Penal Code to which they pleaded not guilty and claimed to be tried. The date was fixed for taking evidence. The grievance ventilated before this court is about the direction passed by the learned trial court, whereby the sons were allowed to enter into the house to look after their mother as it was in the nature of final relief to the accused person. Accordingly filed this case for setting aside such order.

6. Therefore from the above factual matrix it is apparent that the said order was passed by the learned court under a specific circumstances despite allegations made against the sons, and in view of the subsequent change of circumstances and specially with the demise of the mother the order passed by the learned Magistrate has lost its force and therefore needs to be modified.

7. This revisional application was pending since 2023 and with the death of the wife of the petitioner the opposite parties are no more required to be permitted to enter into the house which belongs to the present petitioner. That apart in

terms of the previous order the cats were also removed .The complaint was lodged against the sons by their father with a serious allegation of physical assault and forcing him to register the property in their name and permitting the opposite parties might aggravated the situation and the order is to be modified.

8. Hence, this revisional application stands allowed. The order passed by the Learned Magistrate on 31.7.2023 whereby the Opposite Parties herein were permitted to enter into the house for looking after their mother is here by set aside.
9. The learned magistrate is directed to fix the schedule if not already on board and proceed with the evidence of the case and is directed take all endeavour to expedite the proceeding without granting any unnecessary adjournment to either of the parties.
10. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

[CHAITALI CHATTERJEE (DAS), J.]