

19.05.2026
SL No.12
Court No.5
S.Gayen

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

CRR 582 of 2025

In the matter of: **Sampa Biswas**

...Petitioner

Mr. Somraj Paul
Ms. Srishti Sarkar
Mr. Subhankar Ghosh

...for the Petitioner

1. The petitioner has filed the present revisional application challenging the FIR and the chargesheet of Bhaktinagar Police Station Case No. 93 of 2024 dated 03.02.2024 under Sections 306/34 of the IPC pending before the Court of learned Additional Sessions Judge, 3rd Court, Jalpaiguri.
2. Learned counsel for the petitioner submits that the petitioner is no way connected with the instant case. In the FIR, only the allegation against the petitioner that the petitioner had married to the co-accused who is the husband of the deceased. He further submits that it is the specific case in the complaint that the husband has tortured the deceased and due to which the deceased has committed suicide. Only she married to the co-accused cannot be said that she has abated the deceased to commit suicide.
3. Learned counsel for the petitioner has drawn the attention of this Court to the chargesheet wherein it is mentioned that the deceased came to learn that her husband had married another lady who is the petitioner before this Court and the husband of

the deceased started abusing her and broken her phone and assaulted her. Due to which the deceased alleged to have committed suicide. He submits that there is no ingredient against the petitioner to proceed with the case under Section 306 of the IPC.

4. Learned counsel for the petitioner has relied upon the judgment in the case of ***Arnab Manoranjan Goswami vs. State of Maharashtra & Ors.*** reported in ***(2021) 2 SCC 427*** and submits that the first segment of Section 107 defines abetment as the instigation of a person to do a particular thing. The second segment defines it with reference to engaging in a conspiracy with one or more other persons for the doing of a thing, and an act or illegal omission in pursuance of the conspiracy. Under the third segment, abetment is founded on intentionally aiding the doing of a thing either by an act or omission. Learned counsel for the petitioner by relying upon the said judgment submits that there is no ingredient against the petitioner to proceed with the trial under Section 306 of the IPC.
5. Heard the learned counsel for the petitioner and perused materials on record and the judgment relied upon by the petitioner.
6. The case of the petitioner that only with the allegation that the petitioner has married to the husband of the deceased during the subsistence of first marriage without any evidence on record that the petitioner has abated the deceased to commit suicide, no purpose would be served to sent the petitioner for trial.

7. This Court finds that whatever the defence, the petitioner is intended to prove that can be taken during the trial. At this stage of quashing of the proceeding, this Court cannot hold the mini trial whether this petitioner has instigated the deceased to commit the suicide. This is the matter of trial. Prosecution has to prove the case by examining witnesses. Accordingly, this Court did not find any merit in the present revisional application and thus, this Court is not inclined to admit the revisional application.
8. **CRR 582 of 2025 is dismissed.**
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
10. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)