

28.04.2026

34.

Bd.

Ct. 29

CRR 1395 of 2026

Rabi Paul @ Rabi Pal & Anr.

Vs.

The State of West Bengal & Anr.

Mr. Debasish Kar

Mr. Arka Tilak Bhadra ... for the petitioners.

This is an application wherein petitioners have assailed the GR Case No. 4206 of 2022 presently pending before learned 8th Additional District and Sessions Judge, Barasat.

Being aggrieved by the aforesaid proceedings, learned counsel for the petitioner submits that available medical documents categorically record “No Complaints” and “Nothing Abnormal Detected”. Mere oral assertions of an attempted suffocation, utterly devoid of a single shred of corroborative clinical finding, cannot sustain a charge of attempt to murder. He further submits that stridhan articles have been seized and safely returned to the opposite party no. 2, and therefore fundamental ingredients of criminal breach of trust are wholly absent in the instant proceeding. He further submits that allegations against petitioner no. 2, i.e., the elderly mother-in-law are inherently vague, and the FIR was lodged after seven months of the alleged occurrence and this inordinate delay conclusively destroys the fabric of the prosecution story. Therefore further continuance of the impugned proceeding is otherwise bad in law and relying upon the Hon’ble

Supreme Court's judgment in the case of State of **Haryana & Ors. -vs- Ch. Bhajan Lal & Ors. reported in 1992 AIR 604, 1990 SCR Supl. (3) 259** the petitioners have prayed for quashing of the impugned proceeding.

Having heard learned counsel for the petitioners, the application stands admitted.

Petitioners are directed to serve a copy of application upon the State through the office of the Public prosecutor, High Court, Calcutta, and upon the opposite party no. 2, through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter be listed on 19th May, 2026.

Petitioners will be at liberty to pray for interim relief after serving copy to the opposite parties.

State is directed to produce the case diary on the date fixed.

(Dr. Ajoy Kumar Mukherjee, J.)