

September 25, 2024
30 ARDR

CRR 3429 of 2023
CRAN 1 of 2023

Bapi Shil
Vs.
The State of West Bengal & anr.

Adv. Shibaji Kumar Das,
Adv. I. Sarkar

for the petitioner.

Adv. Nripendu Kumar Roy,

...for the O.P.2.

Adv. Faria Hossain,
Adv. Baisali Basu,

...for the State.

Re : CRAN 1 of 2023

Report submitted by the State is taken on record.

On prayer of the petitioner, liberty is granted to correct the cause title of the application.

The petitioner seeks stay of further proceedings of Sessions case no. 110 of 2023 pending before the learned Additional Sessions Judge, Kalyani, Nadia primarily on the ground that no *prima facie* case under Section 306 of the Indian Penal Code has been made out against the petitioner. The FIR or the material disclosed in course of investigation does not suggest any proximate cause for alleged commission of suicide by the victim which is attributable to the petitioner. Learned counsel has place reliance on the authority in ***Rohini Sudarshan Gangurde vs. State of Maharashtra & anr.*** reported in **2024 SCC OnLine 1701** in support of his contention. Learned counsel submits that the date for consideration of charge before the learned trial Court has been fixed on 4th November, 2024.

Learned counsel for the State refers to the WhatsApp chats between the victim and the petitioner and submits that sufficient

prima facie material has transpired against the petitioner during investigation which is required to be dealt with during trial.

Learned counsel for the private opposite party submits, on instructions, that the parents of the victim are of the view that this is a case of culpable homicide and not suicide. Learned counsel seeks to take necessary steps before the learned trial Court in this regard.

Upon consideration of the material on record and also in view of the fact that the next date before the learned trial Court is on 4th November, 2024, this Court is inclined to hold that further proceedings before the learned trial Court ought to be stayed for a limited period till the revisional application is decided on merits.

Let the matter appear under the heading 'Contested Application' in the monthly list of November, 2024.

Further proceedings of Sessions case no. 110 of 2023 pending before the learned Additional Sessions Judge, Kalyani, Nadia be stayed till 30th November, 2024 or until further orders, whichever is earlier.

CRAN 1 of 2023 is disposed of.

Case Diary be returned.

(Suvra Ghosh, J.)