

11.11.2025

Sl. No.14.

D/L.

Mithun.

Ct.No.29.

CRR/4679/2025

Kedar Paul alias Kedar Nath Pal

Vs.

The State of West Bengal & Anr.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Kushal Kumar Mukherjee,
Mr. Diptangshu Basu

...for the petitioner

This is an application wherein petitioner has assailed the order no.1 dated 20th August, 2025 passed in S.T. No.24 of 2025 by which the Court below has framed charge against the petitioner/accused person under Section 304 of the IPC.

Being aggrieved by the aforesaid order, Mr. Basu, learned Senior Counsel appearing for the petitioner submits that no specific role had been attributed to the petitioner in the FIR and therefore, the allegation is vague and not supported by any cogent or corroborative evidence. He further submits that the version of the complainant, i.e. the son of the deceased is that the deceased was hit by present petitioner on his chest and that apart there is no other evidence regarding any other injury on the deceased. The Post Mortem report of the Autopsy Surgeon shows the internal hemorrhage in the brain of the deceased. In such circumstances, the order of framing charge under Section 304 of the IPC is absolutely illegal and ought to be set aside.

Having gone through the impugned order, I find that learned Trial Court did not discuss about the petitioner's role in causing death of the deceased and how Section 304 of the IPC attracts against petitioner in

respect of the present case in order to proceed against petitioner. In other words, the order impugned is cryptic.

Petitioner in this context in support of his contention that it is not a fit case where charge can be framed against the petitioner has relied upon a judgment reported in ***AIR 1972 Supreme Court 545 [Century Spining & Manufacturing Co. Ltd. Vs. State of Maharashtra]***.

Having heard learned Counsel appearing for the petitioner, the application is admitted. Petitioner is directed to serve a copy of the application upon the opposite party no.1 through the office of Public Prosecutor, High Court, Calcutta and upon 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 in the Monthly List of December, 2025.

State is directed to produce the Case Diary on the next date.

Mr. Basu also prays for stay of the impugned order. Having heard learned Counsel for the petitioner and that the petitioner has made out an arguable case which requires adjudication on merit, let the impugned order dated 20th August, 2025 is stayed for a period of 8 weeks or until further order, whichever is earlier.

(Dr.Ajoy Kumar Mukherjee, J.)