

24.07.2026
Sl. No.5 wt.6
Ct. No.237
S.A.

CRR 4845 of 2025

Sadrul Amin & Ors.

- vs -

The State of West Bengal & Anr.

with

CRR 2626 of 2026

Hadisha Bibi & Ors.

- vs -

The State of West Bengal & Anr.

Mr. Ayan Bhattacharya
Mr. Usof Ali Dewan
Mr. Asif Dewan
Mr. Mehedi Masud

...for the petitioners

Mr. Kallol Mondal
Mr. Subir Ganguly
Mr. Sandeep Prasad Shaw

...for the State in CRR 4845 of 2025

Dr. Achin Jana
Ms. Priyanka Bhattacharya

...for the State in CRR 2626 of 2026

The petitioners challenge the order dated January 13, 2025, passed by the Learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, in connection with G.R. Case No. 4109 of 2024 arising out of Lalgola Police Station Case No. 881 of 2024 dated August 26, 2024, registered under Sections 103(1), 61(2), 238, and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

It appears that, upon completion of the investigation, the investigating agency submitted a charge sheet on November 23, 2024. Although the First Information Report named as many as fourteen persons as accused, the investigating agency filed the charge sheet against only five of them.

The Learned Magistrate, however, by the impugned order, declined to accept the police report and, relying upon the judgment of the Hon'ble Supreme Court reported at **AIR 1985 SC 1285** (***Bhagwant Singh v. Commissioner of Police***), took cognizance of the offences and issued warrants of arrest against the petitioners.

There can be no dispute that the Learned Magistrate possessed the jurisdiction to disagree with the police report. However, in the present case, the impugned order does not reflect that, upon consideration of the materials available on record, the Learned Magistrate had declined to accept the police report insofar as the petitioners are concerned. In the absence of any such reasoning, the impugned order, in my considered view, is not sustainable in the eye of law.

Learned counsel appearing on behalf of the petitioners submits that there was no material available on record to implicate the petitioners in the present case. Learned counsel appearing for the State also fairly submits that the charge sheet does not disclose the collection of any incriminating material during the course of investigation against the petitioners so as to justify their implication in the alleged offences.

It further appears that the de facto complainant subsequently filed a protest petition, pursuant to which further investigation was undertaken and a supplementary charge sheet was submitted by the investigating agency. Even upon such further investigation, the investigating agency did not find any material implicating the petitioners. However, the report of further investigation was submitted after the passing of the order dated January 13, 2025.

Consequently, the Learned Magistrate had no occasion to consider the same.

This Court has, however, been informed that the case was committed by the Learned Magistrate on July 4, 2025, and is presently pending before the Court of the Learned Additional Sessions Judge, 2nd Court, Lalbagh. The Learned Additional Sessions Judge has fixed August 17, 2026, for consideration of the question of framing of charges.

In view of the aforesaid circumstances, this revisional application is disposed of with a direction to the trial court to conclude the hearing on the question of charge within a period of three months from the date of communication of this order.

The petitioners shall be at liberty to file an application for discharge before the Learned Additional Sessions Judge on the next date fixed for hearing.

Needless to observe, the Learned Additional Sessions Judge shall consider the petitioners' application for discharge on the basis of the materials contained in both the original charge sheet and the supplementary charge sheet submitted by the investigating agency, in accordance with law.

Accordingly, **CRR 4845 of 2025** along with **CRR 2626 of 2026** stand disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)