

29.01.2021

Item No.2
Ct.No.25
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 368 of 2018

**Sri Arindam Dutta
versus
The State of West Bengal & Ors.**

In Re: An Application filed in connection with judgment and order dated 12.12.2017 passed by the learned Additional Session Judge, 1st Court, Hooghly in an appeal under Section 341 of the Code of Criminal Procedure being Criminal Appeal No. 02 of 2017.

The present revisional application firstly appeared on 30.04.2018 when an adjournment was sought for. Subsequently the matter again appeared on 15.05.2018 when none appeared on behalf of the petitioner.

Today also when the matter has been called, no one appears on behalf of the petitioner.

The petitioner is aggrieved by the judgement and order dated 12.12.2017, wherein the learned Sessions Judge was pleased to dismiss the appeal preferred under Section 341 of the Code of Criminal Procedure specifically holding as follows:

“In the present case, after going through the complaint and the evidence of respondent No.2 it does not appear to me that the evidence of respondent No.2 is false to such an extent that it is necessary to draw up proceeding against her in the interest of justice. On perusal of the impugned order I find that Ld. Magistrate considered the discrepancies in the evidence of respondent No.2 and came to the conclusion that those were minor discrepancies and does not warrant prosecution u/s 193 IPC. It can also be seen that Ld. Magistrate took into consideration direction of the Supreme Court in the case of **Iqbal Singh Marwah vs. Meenakshi**

Marwah, (AIR 2005 SC 2119) and passed a well reasoned order and I find nothing illegal in the said order that calls for interference from this Court.”

I have taken into account the reasons so assigned by the learned appellate court for refusing to interfere thereby calling upon prosecution under Section 193 of the Indian Penal Code. Having regard to the reasons so assigned by the learned Sessions Judge, I am of the opinion that no further interference is called for from this Court. As such, the revisional application, being CRR 368 of 2018, is dismissed.

(Tirthankar Ghosh, J.)