

08.02.2022

Item No.9
Ct.No.34
dc.

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

C.R.R. 1209 of 2018
(Via Video Conference)

Palash Tewari
versus
The State of West Bengal & Anr.

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure filed in connection with Kotulpur Police Station Case No. 11/2018 dated 27.01.2018 (G.R. No.49/2018) under Sections 417/376/506 of the Indian Penal Code.

Mr. Krishna Deo Das ... For the Petitioner.

Mr. Sanjay Bardhan,
Mr. Palash Ch. Maji ... For the State.

The present revisional application has been preferred challenging the proceedings relating to Kotulpur Police Station Case No. 11/2018 dated 27.01.2018 under Sections 417/376/506 of the Indian Penal Code. The subject matter of challenge relates to factual appreciation, particularly the plea taken up by the petitioner is that the victim lady was able to understand the consequence and as such, the alleged offences under Sections 417/376/506 of the Indian Penal Code are not made out.

The report under Section 173 of the Code of Criminal Procedure, which has been submitted before the jurisdictional court, reflects that prosecution had relied upon 13 witnesses and number of documents.

I have perused the statement of the victim recorded under Section 164 of the Code of Criminal Procedure which reflects that the victim is aged about 19 years and she was

under the dominance of the present accused since she was a minor. The narration of events in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure further reflects regarding the petitioner blackmailing the victim lady.

Having regard to the facts which have already surfaced out in course of investigation, I am of the opinion that no interference can be made by this Court at this stage. Petitioner would be at liberty to agitate the points canvassed in this revisional application at the appropriate stage of the proceedings after the evidence of the witnesses has been recorded.

With the aforesaid observations, the revisional application being CRR 1209 of 2018 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)