

10.12. 2021
item No.101
n.b.
ct. no. 34

(via video conference)
CRR 1329 of 2021
With
IA No: CRAN 1 of 2021
Dr. Tanmoy Sarkar & Anr.
Vs.
The State of West Bengal

Mr. Subhobrata Chowdhury,
Mr. Biswajit Goswami,
Ms. Tripti Pandey
..for the petitioners

Ms. Anasuya Sinha,
Mr. Pinak Kumar Mitra,
... for the State.

The learned advocate for the complainant prays for quashing of the proceedings on the ground that the defacto complainant/victim do not intend to proceed with the criminal case.

Learned advocate for the State has produced the Case Diary, I have perused the materials in the Case Diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

An argument has been advanced on behalf of the petitioners that there are developments which were subsequent to the Investigating authorities collecting materials and at the later stage of the investigation, the victim has expressed her desire for

not pursuing the case and however the charge-sheet has been submitted by the Investigating Agency.

Having regard to the fact that the charge-sheet has been submitted under Section 448/376/506/32 of the Indian Penal Code, I am of the opinion that the issue of compromise cannot be decided on affidavits before this court.

The learned advocate for the State pointed out that on 24th November, 2021 a date was fixed for appearance.

In view of the stage of the case, I direct the concerned Magistrate to take steps for compliance of the provisions of Section 207 of the Code of Criminal Procedure and commit the case to the Court of session.

The Learned Sessions Court is directed to overcome the stage of consideration of charge within a period of fifteen days from the date of receipt of the records from the court of the Learned Magistrate and fix a date for recording of evidence of the victim/defacto complainant.

The petitioners would be at liberty to approach this court after the evidence of the victim is recorded by the Learned Trial Court and bring to the notice of this court regarding the evidence which has been deposed before the Learned Trial Court.

No interference is called for by this court at this stage.

With the aforesaid observations C.R.R. 1329 of 2021 is disposed of.

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

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)