

17.08.2021
Item no.29
Ct. No.34
CHC

C.R.R. No.3623 of 2019
(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Saikat Roy
... petitioner

Mr. Tauhid Khan
...for the petitioner

Mr. Arijit Ganguly,
Mr. Avik Ghatak
...for the State

The petitioner has challenged the proceedings relating to Baranagar Police Station Case No.303/2017 dated 02.05.2017, wherein the police authorities, on completion of investigation has submitted chargesheet.

Learned advocate for the petitioner emphasizes on the issue that the complainant/alleged victim refused to undergo medical examination, as such, the proceedings should be quashed.

On the contrary, Mr. Arijit Ganguly, learned advocate appearing for the State draws attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

I have heard the contentions advanced by both the parties and having regard to the materials collected by the investigating agency, I am of the view that at this stage the provisions of Section 90 of the Indian Penal Code is attracted in view of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Having regard to the same, I am not inclined to interfere with the further continuance of the proceedings.

Accordingly, C.R.R.3623 of 2019 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

Learned trial court is directed to proceed with the trial and take the same to its logical conclusion within a reasonable period of time.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)