

30.11.2021

Item No.14

Ct.No.3

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 54 of 2021
CRAN 1 of 2021
(Via Video Conference)**

**Ratan Mondal alias Swapan
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Arnab Sengupta,
Mr. Deborshi Dhar

... For the Petitioner.

Mr. A. S. Chakraborty, ld. APP,
Mr. Aniruddha Biswas

... For the State.

Mr. H. S. Poddar

... For the Opposite Party No.2.

The petitioner has approached this Court challenging the proceedings being New Jalpaiguri P.S. Case No. 214 of 2020 dated 02.03.2020 under Sections 417 and 376 of the Indian Penal Code (G.R. Case No. 975 of 2020) presently pending before the learned CJM, Jalpaiguri.

The contention advanced in this revisional application is that although the case was registered for investigation under Sections 417/376 of the Indian Penal Code, but the very spirit and tenor of the letter of complaint which was treated to be the FIR *prima facie* shows that there was relationship existing between the petitioner and the accused. The learned advocate for the petitioner contends that due to miscommunication, the case has been registered, but

subsequently the petitioner and the accused has solemnized their marriage.

In view of the change of circumstances and that the marriage has already taken place, I direct the petitioner as well as the opposite party no.2/complainant to approach the investigating officer of the case along with the relevant documents. If required, the investigating officer will advance prayer for further recording of the statement of the complainant under Section 164 of the Code of Criminal Procedure.

On an assessment of the materials subsequently collected, the investigating officer would be at liberty to seek opinion of superior officer of the police and thereafter come to a finding whether in the changed factual circumstances, any trial for the case is required or not.

With the aforesaid observations, the revisional application being CRR 54 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)