

30.11.2021

Item No.15

Ct.No.3

dc.

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

**C.R.R. 62 of 2021
(Via Video Conference)**

**Nawab Ali @ Liakat Ali & Ors.
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, Id. APP,
Mr. Kallol Acharya

... For the State.

Mr. Debojit Kundu

... For the Opposite Party No.2.

The present revisional application has been preferred challenging the proceedings arising out of Siliguri Women Police Station Case No. 01 of 2017 dated 02.01.2017 under Sections 493/376/417/506 of the Indian Penal Code.

It has been submitted that on completion of investigation, charge-sheet has already been laid down before the jurisdictional court.

Learned advocate for the petitioners submits that so far as the present petitioners are concerned, charge-sheet only implicates them to the extent of the allegation under Section 506 of the Indian Penal Code.

Learned advocate for the de facto complainant is present and submits that there has been change of

circumstances and the lady is not inclined to proceed with the litigation.

Learned advocate for the State is present.

Records reflect that the documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioners. A copy of the charge-sheet is only reflecting opinion of the investigating officer and do not reflect the cumulative materials collected in course of investigation. The application so filed by the petitioner at this stage is a premature one. The petitioner would be at liberty to canvass the points agitated herein at the stage of consideration of charge before the concerned sessions court.

So far as the contentions of the de facto complainant is concerned, the same can only be appreciated after the evidence of the victim on dock is over and not at any previous stage prior to the same.

Accordingly, learned ACJM, Siliguri is directed to take steps for completing the process under Section 207 of the Code of Criminal Procedure and commit the case to the sessions court who would be in a position to adhere to the aforesaid directions and pass necessary orders in accordance with law.

With the aforesaid observations, the revisional application being CRR 62 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.)