

D/L49
June 6,
2022
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C.R.R. No.151 of 2021

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

Sandip Biswas
Versus
State of West Bengal & Anr.

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam,
Mr. Rakesh Singh,
Ms. Devipriya Mitra.
...for the petitioner.

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata.
...for the State.

Mr. Bratin Kumar Dey,
Mr. Pradip Kumar Pandey,
Ms. Mahasweta Pramanik.
...for the opposite party no.2.

Mr. Dutta Gupta, learned advocate appearing for the petitioner challenges the proceedings on the ground that the allegations made in the FIR and subsequent materials collected by the Investigating Agency fails to make out any case for the trial court to frame charges. Learned advocate has drawn the attention of this Court to the charge-sheet as well as the petition of complaint and the medical documents enclosed along with the revisional application.

Mr. Sur, learned advocate appearing for the State has produced the case diary and drawn the attention of this Court to the statement of the lady under Section 164 of the Code of Criminal

Procedure.

Learned advocate appearing for the private opposite party no.2 vehemently opposes the contentions advanced by the petitioner.

I have considered the submissions advanced by the respective parties and having regard to the provisions of Section 90 of the Indian Penal Code, I am of the opinion that without assessing the pros and cons of the prosecution case, it may not be possible to arrive at a finding as prayed for by the petitioner. However, the present stage of the proceedings before the learned trial court is for consideration of charges.

Having regard to the same, I am of the opinion that the petitioner would be entitled to agitate the points canvassed in the revisional application at the stage of consideration of charge provided an application in the nature of Section 227 of the Code of Criminal Procedure is preferred before the jurisdictional court.

With the aforesaid observations, CRR 151 of 2021 is disposed of.

Pending application, if any, is 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.)