

13.06.2022

Item No.2
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 484 of 2022

**Sri Bapi Kundu
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of Sessions Trial No. 08 of 2016 (corresponding to Sessions Case No. 165 of 2015) arising out of Chinsurah Police Station Case No. 464 of 2014 dated 15.10.2014 under Sections 493/376/417 of the Indian Penal Code.

Mr. Dipanjan Chatterjee,
Mr. Snehansu Majumder ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly,
Ms. Debjani Sahu ... For the State.

Mr. Sujoy Sarkar ... For the Opposite Party No.2.

The present revisional application has been preferred challenging continuance of Sessions Trial No. 08 of 2016 (corresponding to Sessions Case No. 165 of 2015) relating to Chinsurah Police Station Case No. 464 of 2014 dated 15.10.2014 under Sections 493/376/417 of the Indian Penal Code.

Earlier a joint compromise petition was filed before this Court. However, this Court granted liberty to the petitioner to approach this Court after the evidence of the complainant is over before the learned trial court in view of the fact that after framing of charge, the petitioner and the private opposite party no.2 approached this Court.

The present revisional application was preferred subsequent to the deposition of CSW-1/PW-1/opposite party

no.2 after examination and cross-examination of the said witness was over. The evidence of the witness no.1/opposite party no.2 (Smt. Kabita Kundu) is set out as follows :

“1. I lodged a written complaint on 15.10.2014 with the Inspector in-charge, Chinsurah P.S. against Bapi Kundu. Bapi Kundu is present in court today (identified).

2. This is the written complaint dated 15.10.2014 lodged by me. The written complaint was written by me and it bears my signature. This is my signature on the written complaint. Let the written complaint dated 15.10.2014 be marked as Exbt.1.

3. Bapi Kundu is my relative and we developed a relation with each other.

4. My relationship with Bapi Kundu gradually developed and he promised to marry me. Subsequently Bapi Kundu did not marry me.

5. Prior to this relation with Bapi Kundu I got divorced from my previous husband in the year 2013. (Witness volunteers) I do not want to pursue with my written complaint.

6. Question : What do you want to say about the incident ?

Answer : I cannot recall about the incident in details.

7. The I.O. of the instant case requested me to undergo a medical examination but I refused to undergo medical examination. (The medical examination report of the victim is shown to the witness) This is my signature on the medical examination report. Let the signature of victim lady on the medical examination report dated 16.10.2014 be marked as Exbt.2/1.

8. I recorded my statement before the Ld. Judicial Magistrate. I stated before the Ld. Magistrate about my

relationship with the accused and thereafter signed on each and every page of my statement. These are my signatures on my statement before the Ld. Magistrate. Let the signatures be marked as Exbts. 3/1, 3/2, 3/3, 3/4, 3/5 & 3/6.

9. (The seizure list dated 17.10.2014 is shown to the witness) This is my signature on the seizure list dated 17.10.2014. Let the signature of victim lady be marked as Exbt. 4/1. I cannot remember the items seized from me.

10. The accused person is in police service since the time of incident.

11. When I lodged the written complaint Bapi Kundu was unmarried person.

12. I do not want to say anything further about the incident.

Cross-examination:

1. The accused person is my close relative.
2. I know that Bapi Kundu preferred one petition to quash the written complaint lodged by me. I appeared in the said case before the Hon'ble High Court.
3. I had sworn an affidavit before the Hon'ble High Court affirming that I do not want to pursue and continue with my complaint.
4. At present I do not have any grievance against the accused Bapi Kundu."

In view of the evidence which has surfaced and the lady expressing her intention not to proceed with the case, I am of the opinion that further continuance of the proceedings before the learned trial court would be a futile exercise and wastage of court's time. Thus, further proceeding of Sessions Trial No. 08 of 2016 (corresponding to Sessions Case No. 165

of 2015) relating to Chinsurah Police Station Case No. 464 of 2014 dated 15.10.2014 under Sections 493/376/417 of the Indian Penal Code is hereby quashed.

Accordingly, the revisional application being CRR 484 of 2022 is allowed.

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

The aforesaid order would be restricted to the facts of the present case and will not have any binding effect in any other case.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)