

28-04-2022
Subha
Item no.06
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 465 of 2020
with
CRAN 1 of 2020(Old CRAN 1262 of 2020)

In the matter of : **Rajiv Ranjan**petitioner.

In Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Shyak Chakraborty
....for the petitioner.

Mr. Akash Dutta
....for the O. P. No.2.

Mr. Saibal Bapuli, Id. APP,
Mr. Bibaswan Bhattacharyya
.....for the State.

The revisional application was preferred challenging the proceedings relating to Gariahat Police Station Case No. 255 of 2019 dated 27-09-2018 under Sections 376/417 of the Indian Penal Code.

Records of the case reflect that the Police Authorities on conclusion of investigation have already submitted the chargesheet.

I have perused the First Information Report, chargesheet and the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure. Prima facie, it reflects that there was a representation that the present petitioner would marry and thereafter the victim submitted for sexual intercourse. The provisions of Section 90 of the Indian Penal Code are squarely applicable in the present case, whether the consent was obtained by fraud or it was a

consensual approach of both the parties is an issue of fact which is to be decided in course of the trial.

Having regard to the facts of the case, I am not inclined to interfere at the present stage of the case when the learned trial court is yet to consider the charges.

Accordingly, the present revisional application being CRR 465 of 2020 is dismissed.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]