

13.12.2022
S/L No.51
KS

C.R.R. 402 of 2021
Sri Subham Ghosh
-Vs.-
The State of West Bengal & Ors.

Mr. D. Chatterjee
Mr. T. Talukdar
Ms. R. Pramanick
.....For the Petitioner
Mr. Anwar Hossain
Mrs. Debjani Sahu
.....For the State

Memo of Evidence and affidavit of service so filed be kept with the record.

The present revisional application has been preferred for quashing of the proceedings arising out of Liluah Police Station Case No.326 of 2019 dated December 11, 2019 wherein charge-sheet was submitted under Sections 376/ 506 of the Indian Penal Code.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that there has been change of circumstances and the alleged victim and the present petitioner have parted and are settled in life. It has also been submitted that the de facto complainant as also the victim do not intend to pursue with the present litigation. Learned advocate appearing for the de facto complainant and the victim do not oppose such contention advanced by Mr. Chatterjee, learned advocate appearing for the petitioner.

Learned advocate appearing for the State submits that on 24th January, 2023 date has been fixed for consideration of charges.

Having regard to the fact that the changes which have been brought to the notice of this Court were never before the Investigating Agency when the charge-sheet has been submitted, I direct that on the next date so fixed before the Learned Sessions Court all endeavour must be taken to frame the charges, if the same is not possible on the next date, it must be within a week thereafter. Learned Court within fortnight thereafter would fix the date for recording of evidence of the case. If possible CSW 9, being the victim girl be given the opportunity to be examined first. The petitioner would be at liberty to approach this Court after the examination in chief and cross-examination of the victim girl is over before the Learned Trial Court.

With the aforesaid observations, C.R.R. 402 of 2021 is disposed of.

Pending any other applications are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)