

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 743 of 2021

**Rafikul Islam Mandal @ Rafiqul Islam Mondal
-Vs.-
The State of West Bengal & Anr.**

**For the State : Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Partha Pratim Das
Md. Kutubuddin**

Item No.202.

Heard & Judgment on: 21.06.2022

Bibek Chaudhuri, J.

None appears on behalf of the petitioner. However, it is found from the record that the petitioner has filed a written note of argument. No filing date or seal of the Court is affixed on the written notes of argument filed by the petitioner.

Be that as it may, it is pertinent to note that the petitioner being the de facto complainant filed a written complaint in Basirhat Police Station. On the basis of which Basirhat Police Station Case No.18/11 dated 18th January, 2011 under Sections 363/366A/372/34 was registered against opposite party Nos. 2 and 3. On the basis of the said F.I.R. on 10th January, 2011 the daughter of the de facto complainant was recovered from a brothel in Mumbai. At the time of commission of offence she was aged about 17 years. During investigation statement of the victim girl was recorded and police submitted charge sheet against the opposite party Nos. 2 to 5 under Sections 363/366A/372/34 of the Indian Penal Code and Section 5 of the Immoral Traffic (Prevention) Act. The opposite party No.3 was shown as absconder in the charge sheet. On 5th September, 2019 the de facto complainant filed an application under Section 173(8) of the Code of Criminal Procedure praying for further investigation through Anti Human Trafficking Unit. The said application was disposed of by the learned Additional Chief Judicial Magistrate, Basirhat vide order dated 6th November, 2020 but no direction was passed to transfer the case to Anti Human Trafficking Unit for further investigation. This prompted the petitioner to file the instant revision.

The petitioner has filed the instant petition on the basis of a judgment passed by the Division Bench of this Court in the **State of**

West Bengal versus Sangita Sahu @ Shaw reported in **(2018) 3 C Cr L R (Cal) 549**. There are subsequent judgments on the same line which need not be referred to at this stage.

During the pendency of the instant criminal revision a Co-ordinate Bench of this Court passed an order in CRR 743 of 2021 on 8th March, 2022 directing the Deputy Superintendent of Police (DEB), Basirhat who is part of Anti Human Trafficking Unit Cell of Basirhat Police District to investigate into the alleged offences. The Deputy Superintendent of Police, Anti Human Trafficking Unit, Basirhat Police District has submitted a report through the learned P.P.-in-charge that she has already taken up further investigation of Basirhat Police Station Case No.18/11 dated 18th January, 2011 under Sections 363/366A/372/34 of the Indian Penal Code. In view of such changed circumstances, the grievance of the petitioner has already been satisfied and there is nothing in the instant revision.

Accordingly, the instant revision is disposed of holding the same to be infructuous at this stage.

The reports submitted by the learned P.P.-in-charge be kept with the record.

(Bibek Chaudhuri, J.)