

Sr. 16  
**22-02-2022**  
Subha.  
Court no. 34

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

**CRR 980 of 2019**

In the matter of : **Arijit Dey** .....petitioner.

In Re : An application under Section 401 read with S.482 Cr.P.C.

Mr. Ayan Bhattacharyya,  
Mr. Sekhar Mukherjee  
....for the petitioners.

Mr. Soubhik Mitter  
Mr. Anindya Sundar Chatterjee  
....for the O. P. No.2.

Mr. Imran Ali  
Mrs. Debjani Sahu  
...for the State.

The present application has been preferred challenging the continuance of the same before the learned Additional District and Sessions Judge, Hooghly in connection with Howrah Women Police Station Case No. 34 of 2018 dated 3<sup>rd</sup> May 2018.

Mr. Bhattacharjee, learned advocate appearing on behalf of the petitioner has canvassed the issues on two aspects, firstly, regarding the previous cases which were initiated at the instance of the victim and secondly, regarding the applicability of the provisions under which the chargesheet has already been filed.

Mr. Chatterjee, learned advocate appearing on behalf of the opposite party no.2 is present.

Mr. Ali, learned advocate appearing on behalf of the State produces the case diary and draws the attention of this court to the statement of the victim under Section 164 of the Code of Criminal Procedure.

This court has been informed that the present proceedings are pending before the learned special court at a stage when the learned special court is yet to consider the charges.

Having regard to the stage of the case before the learned special court, I am of the opinion that the overall assessment regarding the applicability or non-applicability of the sections or the Act are to be made by the learned special court who is *in seisin* of the matter on a complete analysis of the documents relied upon by the prosecution under Section 207 of the Code of Criminal Procedure.

With the above observations, the present revisional application being CRR 980 of 2019 is disposed of.

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

Inter order, if any, is hereby vacated.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

**(Tirthankar Ghosh, J. )**