

07-02-2022
Subha
Item-06
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

(Via video-conference)

C.R.R 1433 of 2018
with
CRAN 2 of 2022
with
CRAN 3 of 2022

In Re: An application under Sections 401/482 of the Code of Criminal Procedure.

In the matter of : Subhas Chandra Das & Ors. ...Petitioners.

Ms. Aiswaryja Gupta

....for the petitioners.

Mr. Arindam Jana
Mr. Soumyajit Chatterjee

....for the O. P. No. 2.

Mr. S. G. Mukherji, ld. PP
Mr. Imran Ali
Mrs. Debjani Sahu

.....for the State.

Ms. Gupta, learned advocate appears on behalf of the petitioners and challenges the FIR, charge-sheet and the materials collected by the Investigating Agency.

Additionally, she submits that there are changed circumstances during the pendency of the revisional application which may warrant this court to interfere.

Mr. Jana, learned advocate appears on behalf of the opposite party no. 2.

Mr. Mukherji, learned Public Prosecutor appears on behalf of the State.

A report has been submitted before this court by the Inspector-in-Charge, Suri P.S, Birbhum through the learned advocate appearing on behalf of the State. Let the report of the I/C Suri, PS, Birbhum dated 03.02.2022 be kept with the record.

The report encloses the statement of the victim lady. There are change of circumstances since the commencement of the investigation and submission of the charge-sheet.

However, having regard to the fact that the factual appreciations are required to be made by the concerned court empowered to consider the charges, I am of the opinion that this is not a fit case for interference at this stage.

The learned Sessions Court in seisin of the matter is directed to prepone the date after exhausting the process of submission of report by the authorities.

The learned sessions court would be at liberty to consider the materials produced by the present petitioners as also the complainant at the time of the consideration of charge.

With the aforesaid observations, the revisional application being CRR 1433 of 2018 is disposed of.

Petitioners would be at liberty to approach this court after the evidence of CSW (1), CSW(9), CSW (10) and CSW(11) are over.

Interim order, if any, is hereby vacated.

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

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

[Tirthankar Ghosh, J]