

18.8.2022
S.D.
203.

C.R.R. 1400 of 2016
With
CRAN 12 of 2020 (Old CRAN 813 of 2020)

Abdul Aziz
Vs.
State of West Bengal & Anr.

Mr. Kallol Mondal
Mr. Moniruzzaman
Mr. Krishan Ray
Mr. Shamsheer Ansari
Mr. Supran Barman

...For the petitioner.

Md. Sabir Ahmed
Md. Abdur Rakib

...For the O.P. No. 2.

Ms. Faria Hossain
Ms. Baisali Basu

...For the State.

Heard Mr. Kallol Basu, learned advocate for the petitioner.

The First Information Report raises the issue as to whether a husband can be accused of committing rape on his wife.

The attention of the Court has been drawn to the judgment passed on July 19, 2022, whereby the Apex Court in SLA (Crl.) Nos. 4063-4064/2022 (*Hrishikesh Sahoo v. The State of Karnataka & Ors.*) has stayed the operation of a judgment and order passed by the Karnataka High Court in W.P. No.48367 of 2018 and 50089 of 2018 (*Hrishikesh Sahoo v. The State of Karnataka & Ors.*) answering the issue in affirmative.

Further attention has been drawn to the divergent views taken by Hon'ble Judges of Delhi High Court on the same issue in W.P. (C) 284/2015 & CM Nos.54525-26/2018 (*RIT Foundation v. The Union of India*).

The matter requires further consideration.

List this matter seven days after the ensuing Puja Vacation under the same heading.

The interim order granted earlier shall continue till the disposal of the revisional application.

(Kausik Chanda, J.)