

13.06.2022

Item No.53
Ct.No.34
dc.

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

C.R.R. 1860 of 2022

**Sri Barun Ghosh
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

Mr. Imtiaz Ahmed,
Mr. Ghazala Firdous,
Mr. Mofakkerul Islam,
Mr. Sk. Saidullah, ... For the Petitioner.

Mr. Ahmed, learned advocate appearing for the petitioner challenges the continuation of the proceedings arising out of C.R. Case No. 166/2017 (TR No. 501/2017) under Sections 498A/406/323/307/506/34 of the Indian Penal Code.

Record reflects that the evidence of the case has commenced and number of witnesses have been examined.

The main contention of the learned advocate appearing for the petitioner is that the present complaint case was initiated as a counterblast to the Mat Suit which was filed at the instance of the petitioner and the complaint was filed after 12 years of marriage. Additionally, the learned advocate submits that the witnesses so being relied upon by the complainant are all interested witnesses.

Be that as it may, the evidence of the case is in progress and the ordersheets so available before this Court reflect that last of the date was also fixed for evidence. In view

of the stage at which the petitioner has approached this Court, I grant liberty to the petitioner to take out an application under Section 245 of the Code of Criminal Procedure wherein the petitioner would be at liberty to agitate fresh points appearing in evidence in his favour along with the points canvassed in this revisional application and the learned Magistrate at the stage of consideration of charges would be at liberty to consider the same in accordance with law.

With the aforesaid observations, the revisional application being CRR 1860 of 2022 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)