

14.11.2022
S/L No.13
KS

C.R.R. 1469 of 2021

Dr. Amitava De Sarkar

-Vs.-

The State of West Bengal & Anr.

Mr. Sekhar Kumar Basu

Mr. Abhijit Ganguly

.....For the Petitioner

Mr. Swapan Banerjee

Ms. Sima Biswas

.....For the State

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner is a Secretary of an Old Age Home who have been falsely implicated in the instant case and the Investigating Agency failed to collect any material so far as part of the allegation relating to pregnancy of the lady is concerned. In fact, the medical evidence would go to show that the victim was never pregnant. It has also been submitted that the victim before the doctor did not name the present petitioner and her statement under Section 164 of the Code of Criminal Procedure before the Judicial Magistrate lacks implication so far as the present petitioner is concerned.

Mr. Banerjee, learned advocate appearing for the State produces the Case Diary and draws the attention of the Court firstly as to why the police authorities did not submit charge-sheet under Section 313 of the Indian Penal Code, however, learned advocate has drawn attention of the Court to the F.I.R., the connected statements by other witnesses as

also the statement under Section 164 of the Code of Criminal Procedure and the medical reports so available in the case diary.

I have assessed the materials appearing in the Case Diary as also the stage of the case and on an assessment of the same, I find that the present petitioner is yet to receive the documents under Section 207 of the Code of Criminal Procedure in order to be aware regarding the case which has been sought to be made out by the prosecution pursuant to the complaint of the victim.

Having regard to the stage of the case, I am of the opinion that the petitioner on receipt of the documents under Section 207 of the Code of Criminal Procedure would be at liberty to take out an application under Section 227 of the Code of Criminal Procedure, if so advised and canvass his grievance which would include the points raised in the present revisional application. Learned Sessions Court at the stage of consideration of charges would dispose of such an application and then proceed with the case.

With the aforesaid observation, C.R.R. 1469 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)