

21-02-2022
Subha
Item-08
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

(Via video-conference)

C.R.R 1377 of 2017

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

In the matter of : Krishna Ghosh @ Pradip

...Petitioner.

Mr. Ranadeb Sengupta
Ms. Jeenia Rudra

.....for the petitioner.

Mr. S. G. Mukherji, ld. PP,
Mr. Saryati Datta

....for the State.

The revisional application was preferred against the order dated 27.02.2017 passed by the learned Additional Sessions Judge, 2nd Court(Ld. Judge, Special Court under the Protection of Children from Sexual Offences Act, 2012) in Special Case No. 48/2015 arising out of Dhupguri P. S. Case No. 136 of 2015 dated 10.04.2015.

I have perused the order dated 27.02.2017 wherein the learned court has relied upon an earlier observation of a co-ordinate Bench made in CRR 675 of 2016 which refers that some materials were appearing against the present petitioner.

Learned advocate for the petitioner submits that the petitioner's role, if assessed on the documents relied upon by the

prosecution to a restricted assessment as it has been surfaced in course of investigation that the petitioner intended to settle the dispute.

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

Learned advocate also submits that although the interim order has been passed for a considerable period of time, learned special court has not produced to conduct the trial in respect of the present petitioner although the other accused persons have been acquitted of the charges.

So far as the present petitioner is concerned, no charge was framed as the matter was pending before the high court.

It has been argued by the petitioner that since the principal accused have been acquitted, the present petitioner at best an abettor is automatically entitled to be acquitted and should not be asked to face the trial in view of the changed circumstances.

I cannot accede to such prayer made by the learned advocate for the petitioner. The petitioner having obtained an interim order cannot take the benefit of the same. The statement under Section 164 of the Code of Criminal Procedure as observed by the learned special court attributes the same allegations particularly regarding an attempt to suppress the proceedings, whether the same would come within the meaning of abetment under the Act is to be decided in course of trial.

Accordingly, no interference is called for by this court.

With the aforesaid observations, the revisional application being CRR 1377 of 2017 is dismissed.

Learned trial court is directed to fix at least one date in a week and conclude the trial within a period of six months from date.

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.)

