

**14.06.2022**

Sl. No. 47

Srimanta

Ct.No. 42

**CRR/1861/2008**

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

In the matter of : **Sonali Biswas**

**...petitioner.**

Mr. Prabir Majumder, Adv.

...for the petitioner.

Mr. Narayan Prasad Agarwal, Adv.,

Mr. Pratick Bose, Adv.

...for the State.

The petitioner is represented by Mr. Prabir Majumder, Learned Advocate. The instant criminal revision is taken up for hearing.

This revision was filed by the *de facto* complainant of Krishnagar Kotwali Police Station Case No. 225/2005 under Sections 376/417/120B of the Indian Penal Code. It is ascertained from the materials-on-record that the petitioner filed a petition under Section 156(3) of the Code of Criminal Procedure against the opposite party no. 1 and three others for committing offence punishable under Sections 376/417/120B of the Indian Penal Code. Subsequently, Police submitted charge-sheet against accused Gouranga Mondal, opposite party no. 1 under Sections 417/376/120 of the Indian Penal Code. Trial of the case was concluded and the accused was acquitted. The said order of acquittal is challenged in the instant revisional application on the ground that the Learned Court below failed to appreciate that the evidence of a witness on behalf of the prosecution cannot be disbelieved without any contradiction being taken in course of

his/her cross-examination from his previous statement. It is also alleged by the petitioner that in a tradition bound permissive society like India a lady with self-respect will not lodge a false complaint under Section 376 of the Indian Penal Code at the cost of her chastity. The Learned Trial Judge also failed to consider that when the petitioner deposed that the accused cohabited with her against her consent, such consent cannot be presumed by the Trial Court. The Learned Trial Judge also failed to consider that the victim was minor at the time of commission of offence.

In my considered view, all the grounds agitated by the petitioner can only be agitated in an appeal. The revisional Court has no jurisdiction to reappreciate the evidence to come to an alternative finding in the instant revision.

Accordingly, the instant revision being devoid of any merit is **dismissed**.

**( Bibek Chaudhuri, J. )**