

22.11.2022
S/L No.31
KS

C.R.R. 1893 of 2021
With
IA No. CRAN 1 of 2021
Md. Sahnoaj
-Vs.-
The State of West Bengal & Anr.

Mr. Debasis Kar
Md. Husen Mustafi
..... For the Petitioner
Mr. Subhajit Chowdhury
.....For the de facto complainant
Mr. Saswatagopal Mukherjee, Ld. P.P.
Mr. Sandip Chakraborty
.....For the State

The subject-matter of the revisional application relates to quashing of the charge-sheet submitted in connection with Berhampore Police Station Case No.861/2020 dated 28.08.2020 of the Indian Penal Code.

Mr. Debasis Kar, learned advocate appearing for the petitioner submits that pursuant to the F.I.R. being registered and the charge-sheet submitted before the Jurisdictional Court, the parties have entered into a compromise, as such, the proceedings be quashed.

Mr. Chakraborty, learned advocate appears on behalf of the State and submits the charge-sheet has been submitted in respect of a sessions triable offence and the sections which have been incorporated being non-compoundable as also involving issues relating to Section 376 of the Indian Penal Code, it would not be fit and proper for termination of the proceedings without any material on evidence. It has been informed that both the complainant as well as the accused were referred to mediation and there is a report of the Mediator. The complainant would be at liberty to

bring the report of the Mediator in evidence at the time of her Examination-in-Chief.

Having regard to the nature of the contentions submitted on behalf of the petitioner as well as the State, I direct that the Learned Magistrate in seisin of the Berhampore Police Station Case No.861/2020 would immediately take steps within a period of two weeks for supply of copies to the accused persons and commit the case to the Learned Sessions Judge, Murshidabad.

Learned Sessions Judge, Murshidabad on receipt of the record would either himself or any Court to whom the case is made over take efforts for framing the charges within a period of two weeks thereafter. Learned Trial Court would thereafter fix date for evidence of the complainant in the first week of January, 2023 and try to conclude the evidence of the complainant lady by 15th January, 2023. The petitioner would be at liberty to approach this Court challenging the continuity of the proceedings after the evidence of the complainant is over and relying on the contents thereof.

With the aforesaid observations, C.R.R. 1893 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties including the Learned Magistrate as well as the Learned Sessions Judge would act on the basis of server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)