

11-03-2022
Subha
Item-32
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 2092 of 2018

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

In the matter of : **Ananda Mohan Biswas**

...Petitioner.

Mr. Soumya Banerjee
Mr. Subir Chatterjee

.....for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De

.....for the State.

Mr. Banerjee, learned advocate appearing on behalf of the petitioner draws the attention of this court to the brief facts of the case as is incorporated in the report under Section 173 of the Code of Criminal Procedure prepared by the Investigating Officer of the case.

Learned advocate emphasized on the refusal of the de facto complainant to get such statement recorded under Section 164 of the Code of Criminal Procedure in spite of the persuasion of the Investigating Officer.

Mr. Banerjee, learned advocate for the State submits a report before this court. The report reflects that a date has been fixed on 19th May, 2022 for consideration of charges.

Learned advocate for the petitioner has also drawn the

attention of this court to an affidavit, which according to the learned advocate, was handed over to the Investigating Officer.

This court cannot by any prudence accept such affidavit to be sacrosanct and the only option left before the criminal courts are to assess the evidence/deposition of the victim/de facto complainant on dock.

Having regard to the submissions so made by the petitioner, I direct that in case after recording of the evidence of the de facto complainant/victim, the learned trial court on an assessment of the evidence comes to a finding whether the continuation of the trial is otherwise required to be proceeded or not, the learned trial court would be at liberty to take such decision.

With the aforesaid observations, the present revisional application being CRR 2092 of 2018 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any is, hereby, vacated.

Let the All concerned parties are to act in terms of a website copy of this order duly downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Tirthankar Ghosh, J.)

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