

31.03.2022

Item No.11
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2542 of 2019

**Sukumar Rajgopalan
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed in connection with Lake Town Police Station Case No. 75/17 dated 23.05.2017 (G.R. Case No. 415/17) under Sections 498A/420/494 of the Indian Penal Code.

Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Mr. Koustav Lal Mukherjee,
Mr. Shakti Halder,
Mr. Sarthak Mondal,
Ms. Aishwarya Bazaz ... For the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari ... For the State.

Mr. Ayan Bhattacharjee ... For the Opposite Party No.2.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner is aged about 61 years and she has been implicated by a lady who is 57 years of age. The allegation made in the FIR relates to a very short period of time and the same fails to make out any case of reasonable prudence under the relevant sections for which the charge-sheet has been submitted. Additionally, it has been submitted that if the FIR is analysed, it would show that there is lack of truthfulness regarding the allegation and the same is from a lady who is 57 years of age having three adult children.

Mr. Keshari, learned advocate appearing for the State produces the case diary and draws the attention of the Court

to the statements of the witnesses including the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure.

Mr. Bhattacharjee, learned advocate was engaged by this Court to represent the private opposite party no.2. Learned advocate has relied upon a series of authorities both regarding the merits of the FIR and the maintainability of the application for adjudication by this Court under Section 482 of the Code of Criminal Procedure.

I have assessed the materials available in the case diary as also the stage at which the petitioner has approached this Court. I find that the petitioner is yet to receive documents under Section 207 of the Code of Criminal Procedure. The contention of the learned advocate for the petitioner is restricted to the FIR and charge-sheet and other materials on which he has been instructed by the petitioner and not on the materials which have been collected by the investigating agency in course of investigation.

Having regard to such fact, I am of the opinion that the application in relation to issues which have been canvassed is premature at this stage.

The petitioner will be at liberty to agitate the points canvassed in this revisional application after receipt of the documents/statements relied upon by the prosecution under Section 207 of the Code of Criminal Procedure and to that extent, the petitioner would be at liberty to approach the learned trial court with an application under Section 239 of

the Code of Criminal Procedure, if so advised and if required and advised, subsequently approach this Court.

With the aforesaid observations, the revisional application being CRR 2542 of 2019 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)