

15-02-2022
Subha
Item-11
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

(Via video-conference)

C.R.R 2999 of 2016

In Re: An application under Sections 482 of the Code of Criminal Procedure.

In the matter of : Abdus Selim ...Petitioner.

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chattopadhyay
Mr. Santanu Maji,
Ms. Snigdha Saha

....for the petitioner.

Mr. S. G. Mukherji, ld. PP
Ms. Faria Hossain,
Mr. Anand Keshari

.....for the State.

The report dated 08.03.2021 and another dated 10.02.2022 submitted by the Officer-in-Charge, Memari P.S., Purba Bardhaman through the learned advocate for the State be kept with the record.

The subject matter of grievance of the present petitioner relates to the recovery of 12 bhoies of gold. The petitioner approached the court of the learned Judicial Magistrate, 2nd court, Burdwan with an appropriate application, but at a belated point of time. The learned court was of the opinion that as no application

for further investigation was preferred at the appropriate time period, the same prayer cannot be acceded to. Such order was passed on 19th March, 2015. The petitioner naturally thereafter had no option but to approach the sessions court. However, the petitioner did not meet with any success so far as his prayer is concerned before the sessions court.

I have perused the materials on record and the background of the facts reveal that a girl was allured for the purpose of acting in a film and to that extent, the allegations are that the gold ornaments of the mother of the girl were taken away and investigation has revealed that the said gold ornaments were liquidated/converted by the accused persons.

Prima facie, a co-ordinate Bench of this court was pleased to hold charges under Section 406 IPC has been made out.

The report which has been filed before this court reflects that the charges are yet to be framed. Now, the incident is of the year 2012 and almost 10 years have passed in the meantime.

Having regard to the totality of the circumstances, i.e., the date of commission of the offence, the period which has expired in the meantime and the pain of the present petitioner, who has lost a substantial amount because of the allurements of the child, I am of the opinion that in the facts and circumstances of the case, purpose would be served, if the trial court, at the conclusion of the trial, is of the opinion that the charges have been proved, then in that case the value of gold on the said date would be taken into

account by the learned court and by way of compensation from the accused under Section 357 of the Code of Criminal Procedure award the same to the present petitioner, being the de facto complainant.

With the aforesaid observations, the revisional application being CRR 2999 of 2016 is disposed of.

The learned trial court is directed to expedite the process. The present petitioner being a witness before the trial court should cooperate and be present for evidence.

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.)

