

03.02.2022

Item No.32
Ct.No.34
dc.

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

C.R.R. 1492 of 2020
(Via Video Conference)

Soumalya Bhattacharji & Ors.
versus
The State of West Bengal & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of proceedings of Chitpur P.S. Case No. 273/19 dated 13.12.2019 under Sections 376/417/324/114 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate at Sealdah.

Mr. Apalak Basu,
Mr. Sayak Chakraborti,
Mr. Anish Kumar Mukherjee,
Mr. Wrickbrata Roy ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Madhusudan Sur,
Md. Kutub Uddin ... For the State.

Mr. M. M. Verma ... For the Opposite Party No.2.

Mr. Apalak Basu, learned advocate for the petitioners on the earlier date brought on record that the petitioner no.1 was himself duped and as such, a case was registered being Chitpur Police Station Case No. 181 of 2020 dated 21.09.2020.

Mr. Sur, learned advocate appearing for the State has produced case diary of the said case and it reflects from the case diary that charge-sheet has already been submitted after completion of investigation of the said case.

The peculiarity of facts of both the cases are that the accused and complainant are one and the same individuals

and only they have altered their position in their respective cases.

The factual circumstances are intricately connected. Accordingly, I direct that Chitpur Police Station Case No. 181 of 2020 dated 21.09.2020 would be tried by one and the same court who is trying Chitpur Police Station Case No. 273 of 2019 dated 13.12.2019.

The petitioners in CRR 1492 of 2020 are granted liberty to place the materials of Chitpur Police Station Case No. 181 of 2020 dated 21.09.2020 at the time of consideration of charge by the learned sessions court in seisin of Chitpur Police Station Case No. 273 of 2019 dated 13.12.2019.

The Investigating Officer of Chitpur Police Station Case No. 181 of 2020 dated 21.09.2020 or the concerned Officer-in-Charge of the said case would hand over all the documents under Section 207 of the Code of Criminal Procedure to the informant/complainant/de facto complainant of the said case prior to hearing under Section 227 of the Code of Criminal Procedure taking place before the concerned court.

With the aforesaid observations, the revisional application being CRR 1492 of 2020 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.)