

10.05.2022

Item No.65
Ct.No.34
dc.

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

C.R.R. 1916 of 2020

**Rajkumar Maity @ Subhas
versus
The State of West Bengal & Ors.**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure filed in connection with Nandigram Police Station Case No. 163 of 2020 dated 11.06.2020 under Sections 363/366/34 of the Indian Penal Code.

Ms. Sreyashee Biswas,
Ms. Puja Goswami ... For the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha ... For the State.

The present revisional application has been preferred challenging Nandigram Police Station Case No. 163 of 2020 dated 11.06.2020 under Sections 363/366/34 of the Indian Penal Code.

On conclusion of investigation, the investigating agency has already submitted charge-sheet.

Ms. Biswas, learned advocate appearing for the petitioner submits that if the statement recorded under Section 164 of the Code of Criminal Procedure as well as under Section 161 of the Code of Criminal Procedure of the victim is considered, there was no inducement, deceit or any scope for sexual exploitation of the victim and unnecessarily the petitioner has been implicated in connection with the instant case.

Mr. Panda, learned advocate appearing for the State has drawn the attention of the Court to the statement of the victim.

I have considered the submissions of the learned advocates appearing for either parties and on an assessment of the totality of the circumstances appearing in this case more particularly, the age of the victim, I am of the opinion that the case must proceed to the stage of framing of charges and any discharge application should be considered after the evidence of the victim is over.

It has been informed that the next date is fixed on 06.06.2022 before the learned trial court. Accordingly, the petitioner is directed to appear before the learned trial court and the learned trial court is directed to take all efforts for completing the stage of framing of charge either on the said date or within a week thereafter.

The learned trial court, after framing of charge, within ten days, would fix date for examination of the victim. After examination of chief and cross-examination is over, the present petitioner would be at liberty to pray for discharge on the basis of the evidence so adduced before the learned trial court. As such, no interference is called for at this stage.

With the aforesaid observations, the revisional application being CRR 1916 of 2020 is disposed.

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.)