

13.09.2022

Item No.4
Ct.No.2
dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 103 of 2021

**Jaydeep Talapatra
versus
The State of West Bengal & Anr.**

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

Mr. Anirban Banerjee ... For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom ... For the State.

Mr. Bikash Singha ... For the Opposite Party No.2.

Report dated 12.09.2022 submitted by Mr. Ujjwal Luksom, learned advocate appearing for the State be kept on record.

Report submitted by the concerned Officer of Banarhat Police Station encloses the statement of the complainant lady under Section 164 of the Code of Criminal Procedure. The statement under Section 164 of the Code of Criminal Procedure is against the tenets of the complaint which was filed by the same lady for registration of the case. The investigation is in progress. As such, no interference is made. The Investigating Officer will take into account statement of the victim lady under Section 164 of the Code of Criminal Procedure and take steps for submitting the report under Section 173 of the Code of Criminal Procedure. The stage of the case does not warrant this Court to interfere and take away the right of the Investigating Officer to file his report. If

there is any deviation from the evidence and the report under Section 173 of the Code of Criminal Procedure, in that case, the petitioner would be at liberty to approach this Court.

In view of the special circumstances of this case, the report under Section 173 of the Code of Criminal Procedure is directed to be filed within a period of fortnight from date.

The interim order, granted earlier in connection with this case, is hereby vacated.

The learned Chief Judicial Magistrate, Jalpaiguri is directed to extend the order of interim bail for a period of sixty days. However, the main thrust of the learned Chief Judicial Magistrate would be to check that by 29.09.2022, the report under Section 173 of the Code of Criminal Procedure is filed before the learned court.

With the aforesaid observations, the revisional application being CRR 103 of 2021 is disposed of.

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.)