

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 571 of 2023

**Nirmal Mondal & Anr.
Vs.
State of West Bengal & Anr.**

**For the petitioner : Mr. Rabi Sankar Chattapadhyay,
Mr. Sayan Chattapadhyay,
Ms. Ayesha Iman,
Mr. R. Ali Molla**

Judgement on : 18.04.2023.

Bibek Chaudhuri, J.

Supplementary affidavit filed in Court today be kept with the record.

The petitioners are the parents of both the victim and the principal accused. It is the most unfortunate and heinous act ever come across by this Court where a full brother of an 11 years old child sexually abused his sister. The parents of the parties have been made accused. The petitioners being the parents of both the victim and accused have filed the instant revision praying for quashing of SC (Special) Case No. 105/2022 arising out of Tarakeswar Police Station Case No. 224/2022 under Sections 376AB/313/34 of the Indian Penal Code and Section 6 of the POCSO Act pending before the learned

Additional Sessions Judge at Chandernagore. It is borne out of record that as a result of sexually abused by the brother the victim became pregnant and at the age of 11 years she was aborted. Dispute has been raised on the issue as to whether the victim was aborted or not. However, such dispute will be decided at the time of trial. It appears before this Court that the petitioners being parent of the accused as well as victim are trying to save both of them from being prosecuted. Charge has already been framed against the petitioners.

Considering such aspect of the matter and in view of the gravity of offence, I am not inclined to admit the instant revision for hearing. The application is summarily dismissed.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 04.