

02-03-2023
Subha
Item no. 11
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 591 of 2021
With
CRAN 1 of 2021

Gaurab Sengupta @ Gaurav Sengupta
-versus-
The State of West Bengal & Anr.

Re : An application under Section 482 of the Code of Criminal Procedure read with Section 397 of the Cr.P.C

Mr. Abir Chakraborty
...for the petitioner.

Mr. Prasun Kumar Datta, Id. APP
Mr. Santanu Deb Roy
Mr. Md. Kutubuddin
.....for the State.

Mr. Ayan Bhattacharjee
...for the Amicus Curiae.

Pursuant to the earlier order dated 16th February, 2023, a report has been submitted by Inspector/Officer-in-Charge, Belgharia PS. Barrackpore PS, BKPC, North 24 Parganas. Let the report be kept on record. The report is accompanied by a statement recorded by the learned Judicial Magistrate, 6th Court Barrackpore.

The statement reflects that the lady namely, Moumi Dolui is presently married to a different person, namely Loknath Banerjee and she do not intend to pursue the case against the present accused, Gourab Sengupta and she has no objection even if he is discharged from the case.

Having regard to the change of circumstances and the

incident complained of, which happened at a time when both of them were adults and there has already been a change of circumstance which is reflecting in the report, I am of the view that the chances of conviction in the present case is bleak.

As such, further continuation of the present proceedings in the changed circumstances may cause miscarriage of justice because of the complainant having married with another person in the meantime.

Considering the same, further continuation of the proceedings being Belgharia P. S. case No. 175 of 2019 dated 19-03-2019 corresponding to G. R. case No. 1496 of 2019 pending before the learned Additional Chief Judicial Magistrate, Barrackpore is hereby quashed.

Accordingly, the revisional application being CRR 591 of 2021 is allowed.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

