

01.12.2023

SL. 134
Court No. 34
Suvayan

C.R.R. 1255 of 2022

In Re: - An application under Section 482 read with Section 401
of the Code of Criminal Procedure.

And

In the matter of: **Sumit Banerjee**

....petitioner.

Mr. Bidyut Kr. Halder
Mr. Indranil Halder
Ms. Neha Singh

...for the petitioner.

Mr. Tanmay Kr. Ghosh
Mr. Pritha Paul

...for the State.

Memorandum of evidence so filed be kept with the record.

Petitioner has challenged the continuance of the proceedings arising out of Bally P.S. Case No. 65 of 2019 dated 20.06.2019. The investigating agency on conclusion of the investigation submitted charge-sheet in connection with the said case.

Mr. Tanmay Kr. Ghosh, learned Advocate appearing for the State has submitted the Case Diary. Case Diary reflects that the investigating agency in support of its case has relied upon seven witnesses which includes the complainant. The allegations of the complainant both in the complaint and in the statement under Section 164 Cr.P.C. reflects *prima facie* ingredients relating to outraging of her modesty, the mother-in-law, viz., Rekha Banerjee has also been cited as a witness there are injury reports of Rekha Banerjee in the Case Diary also.

Having regard to the prayer of the petitioner, I am of the opinion that the same is pre-matured. Petitioner would be at liberty to canvass such issue at the stage of consideration of charges by

taking out an application under Section 239 of the Cr.P.C. Needless to state that the learned Trial Court would independently decide the issues without being influenced by any observations made by this Court.

With the aforesaid observations, the present revisional application being CRR 1255 of 2022 is disposed of.

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.)

