

12.05. 2023
Item No.34
Ali
Ct. no. 551

CRR 1277 of 2018

**Ananda Das
Vs.
The State of W. B. & Anr.**

Mr. Sagarmay Ghosh,

.....for the petitioner.

Mr. Binay Panda,
Ms. Puspita Saha,

.... for the State.

The instant criminal revisional application has been preferred for quashing the proceeding being S.C. No. 33 (12) of 2015 pending before the learned Additional Sessions Judge, Kalyani, Nadia initially under Sections 376/493 and at present under Sections 376/417 of the Indian Penal Code.

The brief fact of the case is that the instant Sessions Trial Case was initiated on the basis of Kalyani Police Station Case No. 334 of 2015 dated 25th May, 2015 on the basis of a written complaint of the de-facto complainant dated 25.05.2015. The investigation of the police case is ended in charge sheet. The case was committed for the trial before the learned Additional Sessions Judge.

Learned advocate for the petitioner submitted before this court that the instant criminal case was initiated on the basis of the false complaint there are previous love relationship between the de-facto complainant and the present petitioner, on the basis of which the mature people came to contact with each other both physically and mentally; and when their relation become strained, the false case was filed. He further pointed out by virtue of the

judgment of the Hon'ble Supreme court the instant complaint cannot be allowed to be continued under Section 376 IPC as de-facto complainant was a consenting party. On the basis of which, he further pointed out that the present petitioner is not at all involved in the alleged offence; thus pray quashing of the instant proceeding.

Learned advocate for the State submitted that the investigation of the police ended in charge sheet and trial has already been initiated. The status report is filed in perusal of the report, it appears to me that the Trial of the instant case has been initiated and the schedule was fixed for the recording of the evidence of the de-facto complainant and others.

Considering the status of this case, it appears to me that the quashing of the criminal proceeding, whether there may have a merit or not cannot be asserted at this juncture. The criminal proceeding has to be concluded and concluded by a specific trial thereof. Considering the same, I think it necessary to dispose of the instant criminal revision by giving a specific direction upon the learned Additional Sessions Judge concerned to dispose of the matter within a very short span of time. It appears that the de-facto complainant is yet to be examined. Accordingly, the learned Additional Sessions Judge is directed to record the deposition of the de-facto complainant first within one month from the date of receipt of this order and thereafter, conclude the rest witnesses within next three months.

Accordingly, learned Additional Sessions Judge is further directed to conclude the trial within September 30, 2023.

In view of the above observations, the CRR 1277 of 2018 is disposed of.

Any order of stay passed by this Court during the continuation of the instant revisional application is also vacated.

All connected applications, if pending, are also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)