

05.07.2023
Serial no. 30
[G.S.D]

CRR 1868 of 2022

RE: An Application under Section 482 of the Code of Criminal Procedure, 1973;

In the matter of : Chandan Sarkar

... .. Petitioner

Mr. S. K. Das
Mr. B. Patra
Mr. Suvadip Bhattahcarjee

... .. For the Petitioner

Mr. Sibaji Kumar Das
Ms. Rupsa Sreemani

... for the O.P. No.2

Mr. Arijit Ganguly
Mr. Sandip Chakraborty

... for the State

Supplementary Affidavit filed be kept with the record.

Learned Advocate for the petitioner challenges the contentions of the Haringhata P.S.Case No. 179 of 2019 dated 12.5.2019 under Section 354/506/34 of the Indian Penal Code. The case is still pending before the Learned Additional Chief Judicial Magistrate, Kalyani, Nadia.

The contentions of the petitioner is on the basis of the Internal Committee Report (Vishaka Committee) wherein the present petitioner was exonerated.

Learned Advocate for the petitioner submits that the authorities did not take into account the findings of the said Committee and continued the investigation of the case finally opining of no offence being made out.

Learned Advocate for the State, Mr. Ganguly, has submitted that there are 18 witnesses relied upon by the prosecution.

On the other hand, Mr. Das, Learned Advocate, appearing for the Private Opposite Party has submitted that there are two cases. Charge-sheet has been submitted in this case. While in the other case which was instituted by the Headmaster/the petitioner, the same has ended in a Report under Section 173 opining mistake of facts.

I have considered facts of the case, wherein only charge-sheet has been submitted. The present petitioner is still not in possession of the documents on which prosecution proposes to rely.

In view of the same, I am of the opinion that the petitioner would be at liberty to canvass the points agitated in the present revisional application along with the other issues before the Learned Trial Court by taking out an appropriate application in the nature of Section 239 of the Code of Criminal Procedure.

The Learned Trial Court would dispose of the same in accordance with the law without being influenced by any of the observations made out by this Court in course of disposing of the present revisional application.

With the above observations, **CRR 1868 of 2022** along with the connected application(s), if any, is **disposed of**.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)