

08.12.2023

Item No.48

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1674 of 2023

with

CRAN 1 of 2023

In the matter of : **Shekhar Satyanarayan Haldar** ... Petitioner.

Md. Sabir Ahmed,

Md. Abdur Rakib,

Ms. Suman Biswas ... For the Petitioner.

Mr. Mirza Firoj Ahmed Begg ... For the State

Mr. Somopriyo Chowdhury,

Mr. Biswajit Sarkar ... For the Opposite Party No.2.

Learned advocate appearing for the petitioner is directed to serve copy of this revisional application upon Mr. Mirza Firoj Ahmed Begg, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

This revisional application has been preferred challenging the continuance of SC Case No. 333 of 2021 which is presently pending before the learned Additional District and Sessions Judge, Fast Track Court No.1, Barasat arising out of Bidhannagar Women Police Station Case No. 57 of 2019 dated 28.12.2019 under Sections 493/376(n)/417/496/406 of the Indian Penal Code.

Mr. Ahmed, learned advocate appearing for the petitioner and Mr. Chowdhury, learned advocate appearing for the opposite party no.2 submit that there has been compromise which has been effected between the parties.

Having regard to the nature of the offence so involved and the prayer so advanced before this Court, I am of the

view that in respect of the offences for which the report under Section 173 of the Code of Criminal Procedure has been filed without the evidence on dock of the victim/complainant, it is not possible to summarily terminate the proceedings. Accordingly, the learned trial court is directed to consider/frame charges preferably by 25.01.2024. If required, the learned trial court would prepone the date by issuing notice upon the Public Prosecutor conducting the case. The learned trial court would thereafter fix continuous dates for examination of victim/complainant (CSW-1) on and from 05.02.2024. Let the examination-in-chief and cross-examination of the victim be completed by 20.02.2024.

All the parties are directed to cooperate with the learned trial court and not to delay the matter.

The petitioner would be at liberty to approach this Court with the evidence of the victim, if the substance and substratum of the evidence reflect that further continuance of the proceeding is unwarranted in view of the evidence of the victim.

With the aforesaid observations, the revisional application being CRR 1674 of 2023 along with the connected application is disposed of.

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

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

(Tirthankar Ghosh, J.)