

D/L46  
10.04.2023  
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C.R.R. 1488 of 2021

In Re: An application under Section 482 of the Code of Criminal Procedure;

Bidesh Baran Hansda  
Versus  
State of West Bengal and others

Mr. Dibyendu Chatterjee,  
Mr. Pritam Majumda,  
Mr. S. Ghosh.  
...for the petitioner.

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

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in connection with the instant case and the materials which have been collected by the Investigating Agency primarily do not make out any offence under the provisions of Protection of Children from Sexual Offences Act.

As none appears on behalf of the State, Mr. Prasun Kumar Datta, learned advocate, who ordinarily appears on behalf of the State, is directed to represent the State. His appearance may be regularised by the concerned authorities.

I have considered the enclosed documents and on an appreciation of the materials which have been relied upon prima facie, I am of the opinion that there are some allegations which do constitute an offence under the provisions of Protection of Children

from Sexual Offences Act.

Petitioner approached this Court immediately on receipt of copies under Section 207 of the Code of Criminal Procedure. It has been submitted that till date charge has not been framed. In case charge has not been framed, the learned trial court would grant an opportunity to the petitioner to canvass the points, he intends to address for praying of discharge, preferably by taking out an application under Section 227 of the Code of Criminal Procedure. In case the trial court has proceeded after framing of charge, the aforesaid direction may be ignored by the learned trial court.

With the aforesaid observations, CRR 1488 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

All 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 of all requisite formalities.

**(Tirthankar Ghosh, J.)**