

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 1745 of 2023

Babin Kumar Pattanayak

Vs.

The State of West Bengal & Anr.

**For the petitioner : Mr. Ayan Bhattacharjee, Adv.
Mr. Pawan Kumar Gupta, Adv.
Mr. Syed Julfikar Ali, Adv.
Mr. Sariful Haque, Adv.**

Heard on : 17.05.2023.

Judgment On : 17.05.2023.

Bibek Chaudhuri, J.

The petitioner, a Professor by profession has filed the instant revision for quashing of further proceeding in connection with Murshidabad Police Station Case No.125 of 2023 under Sections 376/417 of the Indian Penal Code on the ground that the relationship between the petitioner and the opposite party No.2 was consensual and they voluntarily had sexual relationship in spite of the fact that the opposite party No.2 knew that the petitioner is married having his wife and children.

The case of the complainant, on the other hand, is that the petitioner obtained her consent stating, inter alia, that he is a divorced person and he would marry her. The complainant is a teacher by profession. Thus, prima

facie the opposite party was able to make out a case that her consent was obtained by false representation that the petitioner was a divorcee. The case is at the stage of investigation.

At this stage, I am not in a position to curtail the process of investigation. Accordingly, considering the fact that the instant criminal revision is prematured and the same is dismissed.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.18.
D/L.***