

D/L40
17.07.2023
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C.R.R.1807 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Binod Kumar Das @ Binod Das
Versus
The State of West Bengal and another

Mr. Moyukh Mukherjee
Mr. Abhishek Dutt
Ms. Rupa Singh.
...for the petitioner.

Mr. Rudradipta Nandy
Ms. Sujata Das.
...for the State.

The revisional application was preferred challenging the continuance of Kharagpur (Town) Police Station of 87 of 2022. The charge-sheet was submitted in connection with instant case under Sections 417/376/323/506 of the Indian Penal Code.

I have considered the nature of the allegations made therein and I find that the petitioner was a married man who represented to the lady that he has been divorced and created physical relationship and thereafter disowned the lady. According to the lady, the petitioner was still continuing his marital relationship and, as such, there was no possibility of marriage and the accused knowingly has created physical relationship by promising to marry the de facto complainant which was obtained by fraud. The provisions of Section 90 of the Code of Criminal Procedure applies in this case and the same is to be rebutted in course of the trial.

Having regard to the factual circumstances as placed on

the materials available in the case diary by Mr. Nandy, I am of the opinion that there is no scope for interference so far as the prayers advanced in the present revisional application is concerned. Consequently, the petitioner is granted liberty to take up the points at the appropriate stage of the proceedings.

With the aforesaid observations, CRR 1807 of 2023 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.)