

23.08.2023  
Item No.44  
Ct.No.34  
dc.

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

**C.R.R. 1844 of 2023**

In the matter of : **Tarun Das** ... Petitioner.

Mr. Amitabha Ghosh,  
Ms. Nabanita Chatterjee ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,  
Mr. Imran Ali,  
Ms. Debjani Sahu ... For the State.

Mr. Rajnil Mukherjee ... For the Opposite Party No.2.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Ms. Debjani Sahu, learned advocate, who ordinarily appears for the State. Her appointment may be regularised by the concerned authorities.

Petitioner submits that the *de facto* complainant/opposite party no.2 had a consensual relationship and as such, presently she is unwilling to proceed with the criminal case.

The *de facto* complainant/opposite party no.2 will appear personally before the learned Magistrate and affirm an affidavit. If required, a further statement under Section 164 of the Code of Criminal Procedure be recorded. Thereafter the report under Section 173 of the Code of Criminal Procedure be filed before the jurisdictional court.

In case the learned Magistrate finds that further statement under Section 164 of the Code of Criminal Procedure before the learned Magistrate is such that chance of conviction of the petitioner is bleak, the learned Magistrate

will exercise his discretion not jeopardizing the liberty of the petitioner.

With the aforesaid observations, the revisional application being CRR 1844 of 2023 is disposed of.

Pending connected application, if any, is consequently 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.)**