

02.01.2023

Item No.47
Ct.No.34
dc.

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

C.R.R. 1701 of 2021

**Julfikar Ali Dalal
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure.

Mr. Kaushik Gupta,
Mr. Arijit Bhusan Bagchi ... For the Petitioner.

Mr. Arijit Ganguly,
Mr. Saryati Datta ... For the State.

This revisional application was preferred by the *de facto* complainant expressing his dissatisfaction regarding the investigation and also the order dated 16.03.2021 wherein the learned court was pleased to reject the application under Section 173(8) of the Code of Criminal Procedure.

In course of hearing of the present revisional application, copies under Section 207 of the Code of Criminal Procedure including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure were handed over to the complainant. On assessment of the materials, learned advocate for the complainant/petitioner has submitted that for the present, they do not intend to pursue their prayer under Section 173(8) of the Code of Criminal Procedure and has expressed their anxiousness regarding other aspect of the case that the accused persons are not traceable.

I have considered the submissions of the learned advocate appearing for the petitioner and I am of the opinion that without commenting on the merits of the case, the primary responsibility would be to bring the accused before the court of law and compel them to face the trial of the case. Reports were also obtained and there were efforts by the CID, West Bengal.

In view of the present position, I direct the learned Special Court to proceed to the next stage of the issuance of process after obtaining appropriate report from the prosecution. It is further directed that the special investigating agency would keep a track on the available resources for exercising their powers in respect of the absconding accused persons for production of the accused before the appropriate court.

Learned trial court would also seek regular reports from the prosecution as well as the special investigating agency as to the steps taken by them for finding the whereabouts of the accused persons.

With the aforesaid observations, the revisional application being CRR 1701 of 2021 is disposed of.

All pending connected applications, if any, are 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 with all requisite formalities.

(Tirthankar Ghosh, J.)