

29-11-2023
Subha
Item no. 23
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2007 of 2023
with
CRAN 1 of 2023

Umanjan Lahiri & Anr.
-versus-
State of West Bengal and Anr.

Mr. Sandipan Ganguly, Sr. Advocate
Mr. Arindam Jana
Mr. Md. S. Biswas
Mr. A. Sengupta
Mr. P. P. Sinha
.....for the petitioners.

Mr. Rudradipta Nandy, Id. APP
Mr. Antarikhya Basu
.....for the State.

Mr. Jayanta Narayan Chatterjee
..for the O. P. NO.2.

Mr. Ganguly, learned senior advocate appears on behalf of the petitioners.

Mr. Nandy, learned Additional Public Prosecutor appears on behalf of the State.

Mr. Chatterjee, learned advocate appears on behalf of the opposite party no.2.

Mr. Ganguly, learned senior advocate appearing for the petitioners submits that earlier a final report was submitted discharging the accused persons and subsequently again a chargesheet has been submitted. In the initial FIR, the victim could not name the petitioner no. 1 and reference was with regard to a

person concerned.

So far as the petitioner no.2 is concerned, she has been unnecessarily implicated in the instant case as the mother of the petitioner no.1.

Learned senior advocate has also drawn the attention of this court to the documents which have been collected from an Institution of Delhi which refers that on the relevant date of incident the petitioner was available in the institution. However, the said documents were not relied by the Investigating Agency while submitting the chargesheet.

It has also been contended that the incident complained of is of 2011 and the 2nd report under Section 173 of the Code of Criminal Procedure has been submitted on 5th February, 2019.

Be that as it may, there may be certain discrepancies because of the period of time, but having regard to the materials which are available, at this stage I am unable to come to a finding that no offence has been made out.

In the chargesheet so submitted, the petitioner no. 1 has alleged to be a principle offender while petitioner no. 2 is an abettor. There may be a relationship of son and mother between the petitioner no.1 and the petitioner no.2 but the petitioner no.2 was the headmistress of the school where the victim was studying and abused and petitioner no.2 intended to shield the petitioner no. 1 as per the prosecution case.

Having regard to the role which has been defined by the prosecution in its report as also the materials so collected, the

allegations at this stage considering the date/the events and the manner in which the victim had to struggle for the purposes of evidence being collected, I do not think it would be appropriate at this stage without the evidence of the victim being on record to terminate a proceeding at this stage.

As such, no interference is made in respect of the order dated 29th April, 2023 passed by the learned Additional Sessions Judge, 4th court, Barasat, North 24 Parganas. However, I grant liberty to the petitioners to approach this court after the evidence of the victim is over.

Accordingly, the revisional application being CRR 2007 of 2023 along with CRAN 1 of 2023 is disposed of.

Pending any other applications, if any, are disposed of accordingly.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

