

13.06.2023

Item No.65
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 2082 of 2023

In the matter of : **Sri Rajib Talukdar & Anr.** ... Petitioners.

Mr. Somraj Gangopadhyay ... For the Petitioners.

Mr. Rudradipta Nandy,
Mr. Subrata Roy ... For the State.

Mr. Arpan Mukherjee ... For the *de facto* complainant.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Mr. Rudradipta Nandy, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The subject-matter of the present revisional application arises out of Gopalnagar Police Station Case No. 198 of 2015 dated 22.04.2015 under Sections 363/366A/120B of the Indian Penal Code.

It is contended by the petitioners that the petitioner and the victim have married. They have a child and the circumstances are completely different. Learned advocate for the petitioners submits the petitioner have also been offered with a government job and he is unable to join because of the pendency of the present criminal case. It has also been submitted that the couple is blessed with a child. The emphasis is on the prayer that because of the change of circumstances, the proceedings may be quashed. The

petitioners have also submitted that they have informed the appropriate authorities, but there has been no response.

Having regard to the fact that in the present case there was an investigation and charge-sheet being submitted, the case has to be taken to its logical conclusion. The petitioners are directed to cooperate with the proceedings in the court below.

Both the petitioners are directed to appear before the learned Additional Chief Judicial Magistrate, Bongaon by 27.06.2023. The learned Additional Chief Judicial Magistrate, Bongaon will on the said date or within course of the said week, complete the process of supply of documents under Section 207 of the Code of Criminal Procedure and preferably on 03.07.2023, commit the case to the jurisdictional sessions court. The jurisdictional sessions court either itself or by delegating the case to an appropriate sessions court would complete the process by 12.07.2023.

The learned sessions Judge in seisin of the matter would appoint a senior regular advocate empanelled with the State to represent the prosecution in this case without waiting for any appointment from the office of the Legal Remembrancer, West Bengal.

Steps be taken for framing of charge on or before 28.07.2023. Learned court thereafter would fix dates for evidence particularly of the *de facto* complainant and the victim. The evidence of the *de facto* complainant and the victim should be over by 18.08.2023.

The petitioners, if so advised, would approach this Court with the evidence of both the witnesses after their examination-in-chief and cross-examination is complete.

With the aforesaid observations, the revisional application being CRR 2082 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.)