

17.02.2023
S/L No.15
KS

C.R.R. 1873 of 2021
Satya Kinkar Manna
-Vs.-
The State of West Bengal & Anr.

Mr. Angshuman Chakraborty
Mr. Shanka Shekhar Saha
.....For the Petitioner

Mr. Imran Ali
Mrs. Debjani Sahu
.....For the State

Report so submitted by the State be kept with the record.

The present revisional application has been preferred challenging the continuance of Baranagar Police Station Case No.244/2019 dated 22.05.2019 under Sections 506/ 509 of the Indian Penal Code and Section 8 of the POCSO Act, 2012.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that charge-sheet has been submitted on conclusion of investigation and on an appreciation of the materials collected by the Investigating Agency particularly, the statements under Sections 161/ 164 of the Code of Criminal Procedure no offence can be said to be made out so far as the present petitioner is concerned. Additionally, he submits that the present case has been initiated out of business rivalry and the present petitioner initiated a case relating to the dispute wherein charge-sheet was submitted by the Investigating Agency. The present case according to the petitioner is a counter-blast and the case

has been initiated for wrecking vengeance by way of invoking the provisions of the POCSO Act.

Learned advocate appearing for the State produces the Case Diary and draws the attention of the Court to the First Information Report and the statement of the victim under Section 164 of the Code of Criminal Procedure.

I have assessed the contentions advanced by learned advocate appearing for the petitioner and I am of the opinion that whether there would be applicability of the POCSO Act particularly in the background of the allegations made therein is a question of fact, as such, no interference can be made at this stage. Petitioner would be at liberty to canvass such points in course of cross-examination and during the stage of final arguments of the case.

With this above observation, C.R.R. 1873 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)