

19.06.2023
Item No.16
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 2161 of 2023

In the matter of : **Goutam Das & Ors.** ... Petitioners.

Ms. Devi Priya Mitra ... For the Petitioners.

Mr. Tanmay Kumar Ghosh,
Ms. Sujata Das ... For the State.

Mr. Kunal Ganguly ... For the Opposite Party No.2.

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

Learned advocates for the petitioners and the opposite party no.2 are present. It has been submitted that there has been compromise between the parties and the opposite party no.2 is residing at her matrimonial home. Since the parties have started to reside together, both the parties are directed to file a single joint compromise petition before the learned trial court. If the lady is willing to waive her quantum of maintenance so awarded pursuant to an order passed by this Hon'ble Court in CRM 6215 of 2018, the lady would be at liberty to do the same.

The learned trial court would examine whether a case under Section 307 of the Indian Penal Code is made out or not. An enquiry be made regarding the veracity of the versions filed in the joint compromise petition. The learned trial court would consider the enquiry report submitted by an

officer engaged by the Inspector-in-Charge, Sabang Police Station conducting the enquiry which would incorporate the statement of the victim as well as the declaration and the issues reduced to a statement which should be questioned by the investigating officer which have been taken up in the joint compromise petition.

If a satisfactory answer is obtained, the learned trial court would consider that to be the final arguments of the case in the matter and on the spirit of the joint compromise petition, its contents and the changed social circumstances decide the trial leniently in favour of the accused persons.

With the aforesaid observations, the revisional application being CRR 2161 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.)