

20.06.2023

Item No.11
Ct.No.34
dc.

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

C.R.R. 2170 of 2023

In the matter of : **Nitai Mainan** ... Petitioner.

Ms. Devi Priya Mitra ... For the Petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas ... For the State.

Ms. Juin Dutta Chakraborty ... For the Opposite Party No.2.

Learned advocates for the petitioner and the opposite party no.2 are present.

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

Ms. Mitra, learned advocate for the petitioner submits that the order of bail would reflect that there was misunderstanding pursuant to which the present case was initiated.

Be that as it may, charge-sheet has been submitted under Sections 323/506 of the Indian Penal Code read with Sections 8 and 12 of the POCSO Act. Having regard to the provisions of the Special Act, I am of the opinion that the issue raised by the learned advocate for the petitioner cannot be considered in the application under Section 482 of the Code of Criminal Procedure.

The State is directed to take steps for framing of the charges in connection with the instant case after the

documents under Section 207 of the Code of Criminal Procedure are supplied to the accused person.

After the charge is framed, the learned trial court would fix at least a schedule consisting of three dates which would be fixed once in a fortnight for the purposes of trial of the case.

After the evidence of the first nine witnesses are over, the petitioner is granted liberty to approach this Court with the evidence which has been deposed before the learned Special Court.

With the aforesaid observations, the revisional application being CRR 2170 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.)