

D/L39
14.07.2023
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C.R.R.3031 of 2022

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure, 1973;

Bithika Jana and others
Versus
The State of West Bengal and another

Mr. Debais Sur
Mr. Goutam Debnath
Mr. Angshuman Patra
Mr. Himadri Sekhar Paul.
...for the petitioners.

Mr. Saswata Gopal Mukherjee
Mr. Rudradipta Nandy
Ms. Sonali Das.
...for the State.

Mr. Sumanta Chakaborty
Mr. Anindya Halder
Mr. Suman Agarwal
...for the opposite party no.2.

A report has been submitted by Mr. Nandy, learned advocate appearing for the State prepared by the Officer-in-Charge of Serampore Women Police Station. Let the report be kept with the record.

Mr. Chakraborty, learned advocate, appears on behalf of the opposite party no.2, namely Satabdi Bag. Although a statement has been incorporated along with the report, Mr. Chakraborty submits that the opposite party no.2/complainant is inclined to continue against all the accused persons. The statement made to the police officer which was recorded is different from the submissions which have been made by the learned advocate.

Having regard to the fact that the opposite party no.2 is not inclined to compound the case or settle the difference and as the charge-sheet has been submitted by the Investigating Agency before the jurisdictional court and the allegations of all the accused persons are inter-linked, it is not possible for this Court to distinguish between the complicity of the accused persons separately. So far as the continuance of the proceedings are concerned, the same are not interfered with. The learned trial court would frame charges and proceed with the trial of the case.

Accordingly, 3031 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)