

D/L45
29.08.2023
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C.R.R.3229 of 2023

In Re: An application under Sections 482/397 read with Section 401 of the Criminal Procedure Code, 1973;

Smt. Amrita Chakraborty
Versus
The State of West Bengal and another

Mr. Sabyasachi Mukherjee
Mr. Bibek Dey.
...for the petitioner.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Sanjib Kumar Dan, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

Petitioner has challenged the continuance of Belghoria Police Station Case No.310 of 2023 dated 19.06.2023 wherein investigation of the case is under progress in connection with Section 12 of the POCSO Act and is pending before the learned Additional Sessions Judge, 1st Court, Barrackpore, North 24 Parganas.

Having regard to the fact that the investigation of the case is still in progress and issues so canvassed by the petitioner relate to questions of fact which are to be considered by the Investigating Agency, I am of the opinion that at this stage without the Investigating Agency arriving at their final opinion, no interference can be made by this Court. If there are available

materials in the custody of the present petitioner, she would be at liberty to submit the same with the Investigating Officer of the case and/or its Superior Officer. Petitioner would be at liberty to approach this Court after the report under Section 173 of Criminal Procedure Code is filed and the documents relating to Section 207 of the Code of Criminal Procedure, if any, are handed over to the petitioner.

With the aforesaid observations, CRR 3229 of 2023 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.)