

CRR 4050 of 2011
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CRAN 1 of 2012
CRAN 2 of 2012
CRAN 3 of 2012

In the matter of : Sanjoy Daima & Anr.

Ms. Rita Datta
..... for the State

Despite service of notice none is appearing on behalf of the petitioners or the opposite party No. 2. State is being represented by Ms. Rita Datta, learned advocate.

This criminal revision is pending for nearly 12 years. Therefore instead of adjourning the matter suo motu, I am inclined to dispose of this revisional application on merit based on materials made available with the record.

Sanjoy Daima, the petitioner No. 1 is looking after several cases and or one part of Rani Rashmani Estate as Estate Manager and the petitioner No. 2 is the permanent resident of Rani Rashmani Estate. Petitioner No. 1 is the manager/caretaker of Petitioner No. 2. It is adverted that opposite party No. 2 filed the petition of complaint before the Additional Chief Judicial Magistrate, Barrackpore alleging, inter alia, that petitioner No. 1 promised to marry the opposite party No. 2 and made her indulge in sexual intercourse and ultimately the petitioner No. 1 retreated from his promise. The petition of complaint was forwarded

to the jurisdictional Police Station by learned Additional Chief Judicial Magistrate, Barrackpore under Section 156(3) of the Code of Criminal Procedure and accordingly Titagarh P.S. case No. 525 was registered dated 17th November, 2010. By filing the petition under consideration the petitioners are seeking quashment of the proceeding.

Upon perusal of petition further I find that petitioners are largely relying upon statement made by Dilip Basu and Sujit Basu before the Officer-in-charge of Lake Police Station rubbishing the content of the petition of complaint. It is the settled principle of law that while considering the complaint under Section 482 of the Code of Criminal Procedure Court should not consider any document which could be used as in defence evidence by the accused persons. Considering the nature of offence complained of I am not inclined to invoke the provision of Section 482 of the Cr.P.C. to quash the proceeding.

The criminal revision is dismissed without any order as to costs.

Order of stay, if any, stands vacated.

Copy of the order be sent down to the learned Court of Additional Chief Judicial Magistrate, Barrackpore for information and necessary action.

(Siddhartha Roy Chowdhury, J.)