

12.12.2023
Serial no. 286
[G.S.D]

CRR 4647 of 2023

**In the matter of : (Dr.) Apurba Kumar Chakrabarti @
Apurba Chakrabarti**

... .. Petitioner

Mr. Ayan Bhattacharjee
Mr. Nirmalya Chatterjee
Mr. S. Mondal
Mr. S. Majumder

... For the petitioner

Mr. Manoranjan Mahata

... for the State

The petitioner is directed to serve upon Mr. Manoranjan Mahata, Id. advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

Ld. advocate for the petitioner has canvassed the issue relating to the statement of the defacto-complainant as well as the statement of the others including the medical report.

Ld. advocate submits that there are foundational inconsistencies in the case, which touches the very substratum for proceeding further.

According to the Id. advocate, the Id. trial court framed charges without understanding or appreciating the

totality of the circumstances as has been collected by the police authorities in course of the investigation.

Ld. advocate also submits that the whole of the documents were not available at the time when the charge was framed.

I have considered the documents which have been enclosed including the medical report and the statement of the victim, so far as it relates to the complaint and the subsequent statement.

Having regard to the same, I am of the view that, at this stage, when charges have been framed, this court will obviously take into account whether the materials collected by the investigating agency are such that there is some suspicion or grave suspicion for determining as to whether the trial should proceed or not.

Having considered the aforesaid, I am of the opinion that there may be some inconsistencies but the said inconsistencies do not touch the root of the case, at this stage, so as to arrive at a finding that no case is made out for trial. As such, I am not inclined to interfere with the proceedings.

However, the petitioner would be at liberty to canvass all the issues in course of the trial both relating to the factual inconsistencies as well as the medical documents

which have been appended by the Id. advocate for the petitioner.

With the aforesaid observations, CRR 4647 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)