

30.08.2023
sl No.21
Court No.3
sk

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRR 106 of 2023

In the matter of : Debolina Choudhury @ Riya @ Ria

Petitioner.

Ms. Jenia Rudra

Mr. Anirban Banerjee

...For the petitioner.

Mr. Aditi Shankar Chakraborty

Mr. Aniruddha Biswas

....State.

Heard Ms. Jenia Rudra, learned counsel for the petitioner and Mr. Aniruddha Biswas, learned counsel representing the State.

Upon perusal of forwarding report I find that the petitioner was rounded up along with five male and another lady, from two rooms of the resort, where they were sitting with bottle of whisky, glasses and water. Therefore, there is no reason for the prosecution to hold the petitioner was culpable for committing offence within the meaning of Section 7 of the Immoral Traffic (Prevention) Act, 1956.

That apart the application under Section 227 of the Code of Criminal Procedure was filed on behalf of the petitioner before the learned Additional District & Sessions Judge, 2nd Court, Jalpaiguri, but the learned trial court without considering this

application under Section 227 of the Code of Criminal Procedure, keeping the petition pending was pleased to frame charge on 15th September, 2017. Even while framing charge learned trial court did not consider the fact that the petitioner along with her associates were arrested while they were sitting in two rooms with bottle of whisky and water. Under such circumstances to avert the abuse of process of law, I consider it expedient to quash the impugned order under Section 482 of the Criminal Procedure Code, which I do.

Learned trial court is directed to dispose of the petition under Section 227 of the Criminal Procedure Code, while considering case for framing of charge and in doing so learned trial court shall take into consideration the observation made hereinabove.

The revisional application is thus disposed of.

Let a copy of this order be sent down to the learned trial court for necessary compliance.

(Siddhartha Roy Chowdhury,J)