

**13.02.2024**  
**Serial no. 71**  
[G.S.D]

**CRR 526 of 2024**

**In the matter of : Atul Singh**

... .. Petitioners

*Mr. Abbas Ibrahim Khan*  
*Ms. Meena Shabnam*

*... for the Petitioners*

Ld. advocate for the petitioner submits that there were relationship between the petitioner and the o.p. no.2.

However, due to misunderstanding, a case being Burtolla P.S. Case No. 206 of 2021 was registered for investigation under sections 376/417/506 of the IPC. The case is already committed to the Court of Sessions.

Ld. advocate has drawn the attention of the court to an affidavit and a letter written to the concerned officer in charge emphasizing that the lady is ready and willing to withdraw the case, which was registered for investigation.

The records of the case reflect that the statement under section 164 of the cr.p.c. of the lady was recorded in course of the investigation. The investigating agency after collecting materials have already arrived at a finding that a prima facie offence being made out.

The emphasis of the petitioner is mainly on the affidavit and the communication along with the elements of relationship existing between the parties.

I have considered that the case has advanced to a considerable stage, in view of the commitment having taken place. The petitioner is already on bail.

Having regard to the advanced stage of the proceedings, I direct that the evidence of the defacto-complainant/victim is required to be recorded first in order to know her present state of mind as the prosecution papers under section 207 of the cr.p.c. do not support such contention.

Accordingly, I direct that the Id. trial court would overcome the stage of consideration of charges on the next date so fixed or within a fortnight thereafter. The examination of the victim will be fixed first so that her examination-in-chief and the cross-examination are completed at the earliest.

The petitioner would be at liberty to enclose such evidence of the victim girl and then approach this court for renewing his prayer at the stage in respect of the continuation of the proceedings.

With the aforesaid observations, CRR 526 of 2024 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.)**