

19.03.2024

Item No.154

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1153 of 2024

In the matter of : **Amit Paul**

... Petitioner.

Mr. Debasish Banerjee,
Mr. Subrata Saha,
Mr. R. Jana,
Mr. A. Biswas ... For the Petitioner.

Petitioner has preferred an application for quashing of S.T. Case No. 03(1) of 2020 arising out of Duttapukur Police Station Case No. 746 of 2019 dated 06.10.2019.

I find from the records of the case that four witnesses have already been examined. The charges were framed under the relevant sections of the Indian Penal Code, the Prohibition of Child Marriage Act and also under the provisions of the POCSO Act. Having regard to the nature of the offences complained of vis-à-vis the factual scenario which has been canvassed by the learned advocate appearing for the petitioner, I am of the view that since the lady/victim and the accused are married for a considerable period of time and there is a child out of the said wedlock who was born after the lady attained the age of majority. Such facts be taken into account by the learned trial court at the time of sentencing and keeping the same in mind, the learned trial court would take a call at the fag end of the trial, if the court is of the opinion that there is a possibility of the petitioner being held guilty. Let the trial be taken to its logical conclusion within a reasonable period of time.

The learned trial court would adhere to the observations made above while deciding on the finality of the case.

With the aforesaid observations, the revisional application being CRR 1153 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)