

06-05-2024
Subha
Item no. 09
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1537 of 2024

Debdeep Ghosh
-versus-
The State of West Bengal and anr.

Mr. Chandana Ghosh
Mr. Debasish Banerjee
Ms. Dona Saha
Mr. Rakesh Jana

....for the petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly
Ms. Sreemoyi Roy

....for the State.

Memorandum of evidence so submitted by the learned Public Prosecutor appearing for the State be kept with the record.

Petitioner has challenged the continuance of Kasba P. S. Case No. 311 dated 27-07-2023. The grievance of the petitioner related to offence alleged under Sections 376/313 of the Indian Penal Code which according to the learned advocate for the petitioner do not apply in the background of the facts of the present case.

Mr. Roy, learned Public Prosecutor appearing for the State has produced the case diary and has drawn the attention of this court to the statement under Section 164 CrPC and submitted that the investigation of the case is progressing.

Having regard to the fact that the investigation of the case is under progress, I am of the opinion that the applicability would be a judicial consideration after the report under Section 173 of the Code of Criminal Procedure is filed. To nip whole of the case at this stage holding

that no case is made out is very difficult when the investigation is in progress and there is a statement under Section 164 of the Code of Criminal Procedure. The Investigating Officer will take into account the overall circumstances appearing in the case and give his final opinion at the stage of submitting report under Section 173 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 1537 of 2024 is disposed of.

Pending applications, if any, are consequently disposed of.

Case diary be returned to the learned Public Prosecutor appearing for the State.

The Investigating Officer of the case is present in court. His further appearance before this court is dispensed with.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]