

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

26.09.2024
26
as

C.R.R. No. 3396 of 2024

In the matter of : Ashok Samanta.

.....petitioner

Mr. Swapan Kr. Mallick
Ms. Sudeshna Das

..... for the petitioner

1. Petitioner contends DNA report shows he is not the biological father of the minor born from the victim. This renders the prosecution case inherently improbable.
2. I have considered the allegation in the FIR including the statement of the victim. Victim alleged before Magistrate that petitioner had sexually abused her on a number of occasions. Though DNA report improbabilises a case of rape, charges have been framed for lesser offences viz., trespass and outraging of modesty. Factual matrix of the case shows petitioner had repeatedly sexually harassed the victim.
3. Under such circumstances, I find no justification to interfere with the charges framed for the lesser offences.
4. For this reasons, revisional application is dismissed.
5. It is open to the petitioner to canvass his defence in accordance with law in course of trial.

6. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)