

09.02.2024

Item No.4

Ct.No.34

dc.

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

C.R.R. 3325 of 2022

with

CRAN 1 of 2024

In the matter of : **Shri Shyam Paul alias Bapi & Ors.**
... Petitioners.

Ms. Sharmistha China ... For the Petitioners.

The present revisional application has been preferred initially challenging the proceedings arising out of Narendrapur Police Station Case No. 747 of 2022 dated 07.07.2022 under Sections 341/323/354B/379/504/506 of the Indian Penal Code. In course of pendency of this revisional application, charge-sheet was submitted before the jurisdictional court under Sections 341/323/354A/504/506/34 of the Indian Penal Code. The investigating agency in the charge-sheet has relied upon a number of witnesses to substantiate its case. One of the allegations as is revealed from both the letter of complaint and the report under Section 173 of the Code of Criminal Procedure is that when the lady protested, the accused persons apart from physical assault also tore her wearing apparels and touched her private parts. The nature of the allegation is such that truth or falsity of the allegation of such nature cannot be appreciated by the Court while deciding a prayer under Section 482 of the Code of Criminal Procedure. There may be previous civil disputes and other cases which may have some relevance. However, this Court cannot at the inception say that such an allegation is a false allegation. Having regard to

the same, I am of the view that the petitioner would be at liberty to take up all the issues at the appropriate stage of the proceedings before the learned trial court. No interference is made by this Court at this stage.

With the aforesaid observations, the revisional application being CRR 3325 of 2022 along with the connected application is 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.)