

IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

16.06.2025
(ct. no.02)
66
Kausik

CRR 456 of 2024

In the matter of : Lipi Khatun @ Begum @ Liri Khatun & Anr.

.... Petitioners.

Mr. Sandip Guha Roy
Mr. Biswajit Das
Mr. Ananda Paul

.... For the petitioners.

Ms. Srishti Sarkar

.... For the Opposite Party no. 2.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Sourav Ganguly

.... For the State.

Supplementary affidavit filed by the petitioner be kept with the record.

Learned advocate appearing for the petitioner submits that the present petitioners happen to be the aunt-in-law and cousin-brother of the principal accused. It has been submitted that the present petitioners stay at a different location and have nothing to do with the nature of the accusations which have been alleged and they have been falsely implicated in connection with the instant case at the behest of the defacto complainant without any rhyme or

reason. It has been further stated that the nature of the accusations are under section 365/376/417 read with section 34 of the Indian Penal Code and so far as the present petitioners are concerned, none of the documents relied upon by the prosecution make out any case against the petitioners and as such the proceedings against them may be quashed.

Learned advocate for the private opposite party no. 2/defacto complainant submits that the petitioners along with others at the stage of application for bail had impressed the Court in relation to solemnization of marriage and by such means, were successful in obtaining bail. After obtaining bail the defacto complainant/victim was never allowed to enter the residence nor allowed to lead a conjugal life. The accusations so made at this stage cannot be interfered with and consequently, the revisional application should be dismissed.

Mr. Ganguly, learned advocate appearing on behalf of the State submits that there are specific allegations against the present petitioners who are the relations of the principal accused and there are overt act which have been attributed to them which would call upon them to face the trial.

I have considered the statement of the witnesses, the documents which have been relied upon and have been placed by way of a supplementary affidavit filed by the petitioner. The two main contentions which have been raised by the petitioners are that they are residing at a different location and secondly, so far as the substantive offences are concerned, under section

365/417 and 376 of the Indian Penal Code, no role or overt act can be attributed to these petitioners. On an assessment of the documents I find that in the statement under section 164 Cr.P.C. of the victim girl there are offences which are contributory in nature for which it would be premature to interfere and assess on the role of the petitioners.

So far as staying at a different location is concerned, the same do not assume importance in this case since the statement under section 164 Cr.P.C. of the victim lady describes a particular role so attributed by each of the petitioners.

Needless to state, that the evidentiary value of the statement of a rape victim is equivalent to that of an injured witness. Consequently, the manner in which the petitioner has prayed or called upon this Court to interfere by invoking its inherent powers, is not applicable in the factual backgrounds of the present case, as such no interference is made in the present revisional application.

Consequently, CRR 456 of 2024 is dismissed. Pending applications, if any, be consequently disposed of.

All parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)