

12.04.2023

Sl. No.06.

D/L.

Mithun.

Ct.No.42.

CRR/4712/2022

Ranjit Kumar Majumder @ Ranjit Majumdar

Vs.

The State of West Bengal & Anr.

Mr. Milon Mukherjee, Sr. Adv.

Mr. Aritra Bhattacharya, Adv.

...for the petitioner.

The petitioner has filed the instant revision praying for quashing of further proceedings in G.R. Case No.1082 of 2021 pending before the Court of the learned Chief Judicial Magistrate, Malda arising out of Bamongola Police Station Case No.37 of 2021 dated 3rd March, 2021 under Sections 376/417 of the Indian Penal Code.

It is submitted by Mr. Mukherjee, learned Senior Counsel on behalf of the petitioner that the de-facto complainant is a lady aged about 42 years. There may be some consensual physical relationship. However, such relationship cannot be altered to a violation of sexual abuse within the meaning of Section 375 of the Indian Penal Code.

The instant revision is admitted.

Petitioner is directed to serve notice upon the private opposite party under registered speed post with acknowledgment due and file affidavit of service within three weeks from the date of this order.

The State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

In the meantime, further proceedings in connection with G.R. case No.1082 of 2021 be stayed till two weeks after Summer Vacation.

(Bibek Chaudhuri, J.)