

20.9.2022
S.D.
17.

C.R.R. 2719 of 2022

**Sri Raj Kumar Jeloka & Anr.
Vs.
The State of West Bengal & Anr.**

Mr. Tushar Kanti Mukherjee

...For the Petitioners.

The petitioners have approached this Court under Section 482 of the Cr.P.C. praying for quashing of a proceeding being Kareya Police Station Case No. 128 dated 29.3.2019 under Sections 3/4/5/7 and 18 of the Immoral Traffic (Prevention) Act, 1956 read with Section 120B of the IPC corresponding to C.G.R. No. 1077 of 2019 pending before the learned Chief Judicial Magistrate, South 24-Parganas at Alipore.

It is submitted on behalf of the petitioners that the petitioners went to a place under the name and style of "Real Touch family SPa" as customers of the brothel. Being customers, they cannot be implicated in connection with Kareya Police Station Case No. 128 dated 29.3.2019.

In connection with the aforesaid case, charge sheet has been submitted against the accused persons and cognizance has been taken by the learned Chief Judicial Magistrate, South 24-Parganas.

Learned advocate for the petitioners has raised a pertinent question as to how cognizance was taken by the learned Magistrate on the basis of the charge sheet submitted by police when the petitioners/accused persons were admittedly customers.

The instant revision be admitted.

Petitioners are directed to serve notice upon the opposite party no. 2 under registered Speed Post with A/D and file affidavit of service within three weeks after vacation. State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

In the meantime, further proceeding in connection with C.G.R. Case No. 1077 of 2019 be stayed till 31.12.2022 as against the present petitioners.

(Bibek Chaudhuri, J.)