

In the matter of:- Sailendra Kumar

...petitioner

Mr. Moinak Bakshi

...for the petitioner.

Mr. Swapan Banerjee,
Md. Kutubuddin.

...for the State.

This is an application seeking an expeditious disposal of a trial, inter alia, under Sections 4 and 6 of the POCSO Act.

Let a copy of this application be served upon Mr. Swapan Banerjee and Md. Kutubuddin, learned Counsels who ordinarily appear on behalf of the State and who are present in Court today. Their engagement may be regularised by the competent authority of the State in due course.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in this case and he is in custody since his date of arrest i.e. 05.09.2017. Although the First Information Report was lodged as far back as in 29.08.2017 and the petitioner is languishing in custody for a very long time, till date, the trial could not be completed. Out of 14 witnesses, only 4 have been examined till date. The impugned proceeding has remained pending for no fault of the part of the present petitioner.

Learned Counsel appearing on behalf of the State submits as follows. There are serious allegations against the present petitioner and this Court had rejected the prayer for bail of the accused earlier. However, it is expected that the learned Trial Court would conclude the proceeding at the earliest.

I have heard the submissions of the learned Counsels appearing

on behalf of the petitioner and the State and have perused the revision petition.

Although the allegations appear to be very serious in the present case, it is also true that the petitioner is languishing in jail for a very long time.

Section 35(2) of the Protection of Children from Sexual Offences Act provides that the trial has to be completed, as far as possible, within a period of one year from the date of taking cognizance of the offence. It appears that the trial in this case has proceeded in a regular manner. However, on some dates, adjournments had to be granted because of non-availability of witnesses.

Furthermore, normal functioning of the Court was hampered for sometime due to onset of the Covid 19 pandemic. Therefore, I do not find that any delay has been occasioned in concluding the proceeding.

However, since the petitioner is facing a custody trial it is expected that the learned Trial Court shall take steps for production of witnesses on the dates fixed and conclude the trial at the earliest without granting any unnecessary adjournment to any of the parties and keeping in mind the statutory stipulation for completion of a proceeding under the Special Act.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)