

Court No.
39
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29.03.
2022

C.R.R. 979 of 2022

In the matter of :- **Malek Akhan**

Mr. Kaushik Gupta
Mr. Anirban Tarafdar
Ms. Nipa Sarkar
...for the petitioner

Mr. Arijit Ganguly
Mr. Md. Kutubuddin
...for the State

This is an application seeking an expeditious disposal of the protest petition filed on behalf of the defacto-complainant/petitioner in Sessions Case No. 42 of 2018 pending before the learned Additional Sessions Judge, Fast Track, 3rd Court, Diamond Harbour, South 24 Parganas.

Let a copy of the application be served upon Mr. Arijit Ganguly and Mr. Md. Kutubuddin, learned advocates, who are present in court today and who ordinarily appear on behalf of the State. Their engagement may be regularised in due course by the competent authority of the State.

Learned counsel for the petitioner submits as follows. The petitioner had lodged a First Information Report on 08.03.2017 under Sections 328, 363, 366A,

372 and 34 of the Indian Penal Code. After completion of purported investigation, a charge-sheet was submitted under the same provisions in May 2017. In spite of the fact that the victim girl was a minor and was sexually exploited for commercial purposes, there was no addition of provisions under the POCSO Act or the Immoral Traffic Act. Investigation done was absolutely perfunctory. Being aggrieved, the petitioner filed protest petition on 19.08.2019. The same was heard on several occasions. But, till date the same has not been disposed of.

Learned counsel for the State submits that it would be in the interest of justice if the protest petition is disposed of 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.

It appears that the protest petition filed by the present petitioner is pending since August, 2019. The proceeding has not moved further due to pendency of the same.

In view of the above and in the interest of justice, I request the learned trial Court to dispose of the protest petition as expeditiously as possible, preferably on the next date of hearing i.e. on 25.04.2022 or within a period of two months from the said date.

Urgent photostat certified copies of this order may

be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)