

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2191 of 2022

**Jinkyoon Bark @ Jinkun Bark
Vs
The State of West Bengal & Anr.**

**For the petitioner : Mr. Kaustav Bagchi, Adv
Mr. Debayan Ghosh, Adv
Ms. Priti Kar, Adv.**

For the State : Mr. Avik Ghatak, Adv.

Heard on : 01.09.2022

Judgment On : 01.09.2022.

Bibek Chaudhuri, J.

In pursuance of the order dated 8th August, 2022, Mr. Shin Won Ho, Vice-Consul, Embassy of the Republic of Korea, New Delhi is present in Court.

This Court explains the issue in hand to the Vice-Consul, stating, *inter alia*, that the petitioner is an accused in connection with Jagaddal Police Station Case No.536 of 2018 under Section 354 of the Indian Penal Code read with Section 7/8 of the Protection of Children

from Sexual Offences Act and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 14 of the Child Labour and Prohibition Act, 1986 with Sections 419/420/464/467/468/469/120B of the Indian Penal Code.

The aforesaid case is at the stage of trial. During the pendency of the aforesaid case, the petitioner made an application praying for allowing him to go to his native land in South Korea on the ground that he is suffering from dearth of funds, his ATM cards were freezed and his mother expired during pendency of the case.

It was also submitted that the petitioner is not getting benefit of pension scheme available to all the citizens of the Republic of South Korea.

It was observed that since the petitioner is an accused, his prayer cannot be allowed unless the charge of the accused be taken by the Embassy of the Republic of South Korea at New Delhi.

On being explained Mr. Shin Won Ho, Vice-Consul, Embassy of the Republic of Korea, New Delhi has clearly submitted that since the petitioner is an accused under the penal provisions of the laws applicable to this Country, the Embassy is not in a position to take charge of the petitioner.

In view of such clear and unambiguous submission, this Court is not in a position to allow the prayer of the petitioner. However,

considering the fact that Jagaddal Police Station Case No. 536 of 2018 was instituted in the year 2018 and till date out of 21 charge-sheeted witnesses, examination of one witness was complete. The Trial Court is specifically directed to conclude entire witness action within six months from the date of communication of this order by taking recourse to Section 309 of the Code of Criminal Procedure.

The learned Trial Court is also directed to take all pro-active step to ensure production of charge-sheeted witnesses by the prosecution. If the prosecution fails to produce the witnesses on a particular date without proper reason, the learned Trial Judge is at liberty to discard examination of such witnesses and proceed with recording of witness who will be produced by the prosecution. It is observed that the above time limit is peremptory and the direction is mandatory.

On completion of recording of evidence, the learned Trial Judge shall conclude the examination of the accused under Section 313 of the Code of Criminal Procedure, examination of defence witnesses, if any, argument and delivery of judgment within one month thereafter.

With the above directions, the instant revision is **disposed of**.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.4..**

D/L.