

Form J(1)

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

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

CRR 1099 of 2023

**Koustav Bagchi @ Kaustav Bagchi @ Koustab Bagchi
Vs.
State of West Bengal & Anr.**

**For the petitioners : Mr. Soumyajit Das Mahapatra,
Mr. Debayan Ghosh,
Ms. Priti Kar**

**For the State : Mr. S.G.Mukherji, Ld. P.P.,
Mr. Rudradipta Nandy**

Judgement on : 17.04.2023.

Bibek Chaudhuri, J.

The petitioner is a practicing Advocate of this Court. He is also a leader of a particular political party. In the year 2015 upon a Police report being Charge-sheet No. 601/2015 a case was registered against the petitioner under Sections 341/325/333/186/353/34 of the Indian Penal Code resulting in Sessions Trial No. 2(1) of 2017. The case is at the stage of trial.

It is the grievance of the petitioner that during 2017 till date out of 10 charge-sheeted witnesses only 5 witnesses have been examined. The learned Public Prosecutor-in-Charge who previously used to conduct the case has retired from the brief. Subsequently no

Public Prosecutor has been engaged in this case and, therefore, the Trial Court is not in a position to examine any witness. Next date of the case is fixed on 29th April, 2023 for appointment of the learned Public Prosecutor in the said case and examination of the remaining witnesses.

Learned Public Prosecutor submits that he has gone through the record. The petitioner has got every right for expeditious disposal of a case instituted against him. Therefore, the learned Legal Remembrancer, Government of West Bengal may be directed to appoint a Public Prosecutor specially for the above-mentioned case so that he may take appropriate step for production of witnesses.

In view of above submission made by the learned Public Prosecutor, the instant revision is disposed of directing the Legal Remembrancer, Government of West Bengal to appoint a Public Prosecutor specially for ST No. 2(1)/2017 corresponding to SC Case No. 278/2016 pending before the learned Additional Sessions Judge 1st Fast Track Court at Barrackpore by the next date fixed. The learned Legal Remembrancer shall also ensure that the newly appointed Public Prosecutor shall report the learned Judge on 29th April, 2023. Thereafter both the learned Public Prosecutor and the Trial Court shall take step to examine the remaining 5 witnesses positively within six months from the date of communication of this order. The instant revision is thus disposed of.

Parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

