

Form J(1)

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

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 1337 of 2023

Anath Gharami

Vs.

The State of West Bengal & Anr.

**For the petitioner : Mr. Souvick Mitra, Adv.
Ms. Subhasri Chatterjee, Adv.
Mr. Sayanta Chatterjee, Adv.**

Heard on : 18.04.2023.

Judgment On : 18.04.2023.

Bibek Chaudhuri, J.

Order No.20 dated 20th February, 2023 passed by the learned Additional Sessions Judge, (Special POCSO Court) at Baruipur in Special Sessions Triable No.15 of 2023 is under challenge in the instant revision.

In order to appreciate the issue, the following facts are required to be brought on record:-

A co-accused namely Amit Gayen prayed for anticipatory bail before this Court. The said application for anticipatory bail was rejected. Being aggrieved with the said order passed on 20th September, 2022 by the Division Bench of this Court in CRM(DB) 3144 of 2022, the said Amit Gayen preferred one Special Leave to Appeal (Crl.) 10959 of 2022 before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide order dated 28th

November, 2022 disposed of the said Special Leave with the following order:-

"... No case is made out to release the petitioner on regular bail. However, we direct the trial Court to expedite the trial and conclude the same at the earliest preferably within a period of one year from today..."

After receiving such order, the learned Trial Judge preponed the date of consideration of charge on 20th February, 2023.

It is the grievance of the petitioner that the petitioner was not represented by his learned Advocate. He could not ventilate his defence at the time of consideration of charge. He also did not get any opportunity to make a prayer for discharging him from the case.

I have considered the submission made by the learned Advocate for the petitioner.

When charge has been framed and date is fixed for commencement of trial, this Court is not in a position to throttle the criminal proceeding at the very beginning. The petitioner is at liberty to agitate his defence during cross-examination of the witnesses on behalf of the prosecution.

The learned Trial Judge is directed to give adequate opportunity to the learned Advocate for the petitioner for cross-examination on behalf of the petitioner during trial.

With the above observation, the instant revision is disposed of.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.08.
D/L.**