

17.05.2023
Court- 42
Item-8

CRR/1377/2023

Shahnawaz Khan
-Vs-
The State of West Bengal

For the petitioner: Mr. Milon Mukherjee, Sr. Adv.,
Mr. B. Manna, Adv.,
Mr. A. Bhattacharya, Adv.

The instant revision was disposed of vide judgment dated 13th April, 2023.

As per the order passed in the instant revision Mr. Milon Mukherjee, learned Senior Counsel appeared before the trial court on 6th May, 2023 and advanced his argument. The trial court fixed 5th June, 2023 for delivery of judgment. Subsequently the learned Additional Sessions Judge, Fast Track Court, Kolkata passed the following order:

“Before parting, it be mentioned here that as there was ambiguity between the Advocate’s letter filed with the petition of adjournment and his submission on legs made by Id. Conducting Advocate Mr. Biswajit Manna on 13.04.2023, he was directed to explain the anomaly so apparent”.

“In spite of specific direction, no special explanation is given by the learned Advocate Mr. Biswajit Manna in compliance of order No.148 dated 13.04.2023 passed by this Court. Hence the learned Advocate Mr. Biswajit Manna is given another opportunity to explain anomaly so apparent on the date fixed.”

It is submitted by Mr. Mukherjee that CRR No.1377 of 2023 was filed on 12th April, 2023 the learned Advocate on record prayed for urgent hearing of CRR 1377 of 2023 on 12th April, 2023 itself. However on that date this Court was otherwise busy and heard the said revision on 13th April, 2023. I have perused the order dated 13th April, 2023.

Mr. Biswajit Manna learned Advocate for the petitioner/accused prayed for passing over the hearing of argument of Session Case No.2 of 1998 for more than once on the ground that Mr. Mukherjee, learned Senior Counsel is busy in the High Court at Calcutta. It was not possible for Mr. Manna to know that this Court fixed hearing of CRR No.1377 of 2023 on 13th April, 2023. Therefore, such submission was made by Mr. Manna. This Court does not find any anomaly in the submission made by Mr. Manna, learned Advocate for the petitioner.

It is submitted by Mr. Mukherjee referring to a decision of the Hon'ble Supreme Court in **Kanaklata vs State (NCT of Delhi) & Ors.** reported in **(2015) 6 SCC 617** that despite a specific direction provided by the High Court in the order dated 13th April, 2023 and compliance of such order by Mr. Mukherjee, learned Senior Counsel for the petitioner, pulling down Mr. Biswajit Manna, learned Advocate directing him to submit explanation for anomalous submission allegedly made by him on 13th April, 2023 before the learned Trial Judge leads to a reasonable apprehension in the mind of the petitioner that the petitioner may not get justice from the learned trial court.

Since the revisional application is disposed of and this Court is not in a position to pass any further order in the said revision, the matter is left to the conscience of the learned trial judge for reconsideration of direction passed vide order dated 6th May, 2023.

(Bibek Chaudhuri, J.)