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04-09-2023
Subha
Item no. 13
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1416 of 2023
with
CRAN 1 of 2023(extension)
with
CRAN 2 of 2023(Vacating)

Soma Das
-versus-
The State of West Bengal and anr.

Mr. Pawan Kumar Gupta
Mr. Kalyan Chatterjee
Ms. Sofia Nesar
Mr. Santanu Sett
....for the petitioner.

Mr. Saryati Datta
Mr. Chitrak Biswas
....for the opposite party no.2.
Mr. S. G. Mukherji, Id. PP
Mr. Koushik Kundu
....for the State.

Mr. Dutta, learned advocate appearing on behalf of the private opposite party no.2 has taken out the vacating application being CRAN 2 of 2023.

The contention of the learned advocate for the private opposite party no.2 is that the evidence has commenced. To that effect, learned advocate has drawn the attention of this court to the last of the order-sheet dated June, 2023 wherein it was reflected that the evidence-in-chief in part has been completed and, thereafter, deferred.

I have considered the plight expressed by the petitioner in the revisional application that she is a teacher and is staying in the

vicinity of Calcutta. She apprehends also that there may be security reasons for her at the time of her deposition/evidence at Barrackpore.

Having regard to the fact that the charge has already been framed and that evidence has commenced, I am of the view that the reasons so assigned at this stage should not have a priority to the progress of the trial of the case.

The case was investigated by Dum Dum Police Station. The Investigating Officer is acquainted with the witnesses, at least the court at this stage would be able to trace out the witnesses if they are required to be produced before a court of law.

Earlier, there was a direction by this court for expeditious disposal of the trial being CRR 3034 of 2022. However, the problems which have been expressed are to be addressed are as follows:-

1. So far as the petitioner being a government servant, her regular appearance before the court is concerned, the learned trial court having regard to the nature of the offence complained of would allow the accused petitioner to be represented by a learned lawyer if any application under Sections 317/205 of the Code of Criminal Procedure are filed with usual undertakings and conditions which are to be complied with for the purposes of dispensing with the personal appearance of the accused person on a day to day basis. In case the petitioner is to physically appear before the court, the petitioner will inform the Inspector-in-

Charge of Dum Dum Police Station who would communicate with the local police station of Barrackpore within which the court is situated and the concerned Police Station of Barrackpore would provide protection to the petitioner so that no untoward incident happens when she attends the court at Barrackpore.

2. As earlier directed the trial of the case should be disposed of within a scheduled period of time. The learned trial court would at least fix one date in a month so that the trial of the case is concluded at the earliest.
3. All the parties to the case must cooperate with the learned trial court.

Accordingly, the revisional application being CRR 1416 of 2023 is disposed of.

Interim order, if any, is hereby vacated.

The vacating application being CRAN 2 of 2023 is partially allowed.

Pending any other application is hereby disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

