

AD-13
Ct No.09
29.11.2023
TN

WPA No. 19660 of 2023

Lachmi Kumari Show @ Lakhi Kumari Shaw
Vs.
The State of West Bengal and others

Mr. Sayan Chattopadhyay,
Mr. Soumyadeep Das

.... for the petitioner

Mr. Arindam Mandal

.... for the State

1. Learned counsel for the petitioner who is the *de facto* complainant alleges that the trial of the criminal case regarding the demise of the petitioner's father is not being conducted properly. The first Public Prosecutor who was appointed has subsequently been defending the accused persons.
2. During the regime of the second Public Prosecutor, Section 302 of the Indian Penal Code has not been clubbed, although there are sufficient indicators to the effect that the victim was murdered. That apart, it is alleged that out of three key eye-witnesses, none have been made as charge-sheet witnesses, thereby adversely affecting the trial. That apart, several witnesses have been unnecessarily called and are turning hostile.

3. Learned counsel appearing for the State controverts the allegations made against the concerned Public Prosecutor.
4. However, upon hearing learned counsel for the parties, keeping in view the principle that justice must not only be done but also to be seen to be done, it would be appropriate to appoint Sri Protim Singha Roy who has been named in the representation of the *de facto* complainant/petitioner to conduct the trial-in-question.
5. Accordingly, WPA No. 19660 of 2023 is allowed, thereby directing the respondent-authorities to appoint Sri Protim Singha Roy, Advocate as a special senior Public Prosecutor in the trial with regard to the demise of the petitioner's father.
6. There will be no order as to costs.
7. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)