

JPD-15
Ct No.01
12.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 528 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.08.2023 in connection with Alipurduar Police Station Case No. 211 of 2016 dated 21.05.2016 under Section 6 of Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Sri Jeewan Roy @ Jiban Roy

.... petitioner

Mr. Kalipada Das

....for the petitioner

Mr. Aditi Sankar Chakraborty,
Mr. Arjun Chowdhury

....for the State

- 1.** The petitioner argues that the petitioner is in custody for already more than 7 years. The trial is yet to be completed. It is argued that the materials on record do not incriminate the petitioner sufficiently.
- 2.** Learned counsel for the State submits that the age difference between the petitioner and the victim should be considered, them being respectively around 40 years and around 13 years at the relevant point of time, that is, when the offence took place. Moreover, the trial is at a mature stage and can be directed to be expedited.
- 3.** In view of the grave nature of the offence and keeping in view the age difference between the victim and the petitioner, even without going into the merits of the case, we are of the view that the purpose of justice would suffice if the trial is expedited.

4. Accordingly, CRM (DB) 528 of 2023 is disposed of by directing the trial court to dispose of the criminal trial against the petitioner at the earliest and make all endeavour to conclude the same within six months.
5. Liberty is granted to the petitioner, in the event the trial is not completed within the said period, to renew the prayer for bail.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)