

27.09.2023.

Item No. 34

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 584 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 15.09.2023 in connection with Dhupguri Police Station Case No. 313 of 2020 dated 02.09.2020 under Section 363/376DA of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of: **Rahimul Alam @ Dulu Alam.** ...petitioner

Mr. Kumar Shantanu. ...For the petitioner

Mr. Abhijit Sarkar,
Mr. Biswarup Roy.For the State

1. The petitioner has been charged with offences, inter alia, under Section 376DA of the Indian Penal Code.
2. It appears that the charge-sheet has been submitted and trial has commenced and one witness has been examined, out of 19.
3. Having regard to the nature of the allegations and considering the materials available on record, statements of the victim girl and the witnesses and the Medical Report, this Court is not inclined to grant the application for anticipatory bail of the petitioner at this stage.
4. This Court finds a deplorable state of affairs in conduct of trial in NDPS and POCSO cases in Jalpaiguri.

5. The State shall make serious attempt to sanction and designate more Additional District Judges to head the Special Courts to try the offences under special statutes as expeditiously as possible.

6. In the instant case, this Court directs the trial to be mandatorily and positively completed within a period of four months from date.

7. This Court notes that about 18 witnesses are still to be examined. The Public Prosecutor is directed to ensure that all the 18 witnesses are examined within the next three months. No adjournments shall be granted to any of the parties and dates in the matter shall be fixed within seven day intervals.

8. The trial itself shall be concluded within four months.

9. The Case Diary be returned.

10. C.R.M. (A) No. 584 of 2023 is, thus, rejected.

11. Let a copy of this order be communicated by the Registry of this Court to the Home Secretary and the Judicial Secretary, Government of West Bengal for necessary steps in the matter.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)

