

14.11.2024
rc/ct.no.34
Item No.143-144

CRR No. 2580 of 2024
XXXX
Versus
The State of West Bengal & Ors.
and
CRR No. 2577 of 2024
XXXX
Versus
The State of West Bengal & Ors.

Mr. Gunjan Kumar Singh
Ms. Sweta Singh
Ms. Rima Mandal
Ms. Puja Rajbhor ...for the Petitioner

Mr. Debasish Roy, Ld. PP
Mr. Saryati Dutta
Ms. Sreemayi Roy ..for the State

Re : CRR No. 2580 of 2024

Heard learned counsels for the parties.

The petitioner is aggrieved by the orders passed by the Juvenile Justice Board, Kolkata (in short, “the Board”) on May 18, 2024 and June 13, 2024 in connection JJB No. 68 of 2017. By order dated May 18, 2024, the Board has examined the Child in Conflict with Law (hereinafter referred to as the “CCL”) under Section 313 of the Code of Criminal Procedure. CCL submitted that she would not adduce any evidence in the matter and the case was fixed for hearing argument.

The petitioner filed an application before the Board on June 13, 2024 wherein she prayed for her examination under Section 313 of the Code in English language on the ground that she could only understand Bengali partially and was unable to read and

write Bengali language, being a Hindi-speaking person. By the order impugned, the Board rejected the application upon observing that the examination of the CCL under Section 313 of the Code was conducted by the Board in presence of her recorded counsel and the CCL answered all the questions in Bengali which were recorded in verbatim. At that time neither the CCL herself nor her learned counsel who was present before the Board raised any objection with regard to the recording of the statement under Section 313 of the Code. The Board further recorded that the CCL was unable to read and write Bengali language but she could understand it partially. The Board turned down the application of the CCL since the CCL responded to all the questions put to her in Bengali.

It appears from the statement of the CCL under Section 313 of the Code that the questions were put to her in Bengali and answered in the same language. The statement contains a certificate by the learned Principal Magistrate that the examination was held in her presence and contained full and true account of the statement made by the CCL.

Since the CCL responded to all the questions put to her in Bengali without a demur and there is nothing on record to suggest that objection was raised either by the CCL or her learned counsel before the Board with regard to any of the questions or that the CCL was unable to understand the questions put to her by the learned Principal Magistrate, no ground for interference has been made out in the present application. Therefore the order

impugned is a reasoned and speaking order passed upon consideration of the material on record.

In view of the above, this Court is inclined to hold that the revisional application being CRR No. 2580 of 2024 is devoid of any merit and is liable to be dismissed.

The revisional application being CRR No. 2580 of 2024 is dismissed accordingly.

There shall be no order as to costs.

Re : CRR No. 2577 of 2024

Though the petitioner initially sought quashing of the proceeding in connection with JJB No. 68 of 2017 pending before the learned Juvenile Justice Board, Kolkata it is submitted that argument has been concluded in the said matter and the Board has fixed November 21, 2024 for delivery of judgment.

Under such circumstances, learned counsel for the petitioner seeks to submit written notes of argument before the Board within November 18, 2024 upon service of copy to the State.

The revisional application being CRR No. 2577 of 2024 is disposed of accordingly.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)