

22.04.2024
Court No.01
Item No. 27

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

KC

CRM (DB) 117 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Phansidewa Police Station Case No. 377 of 2021 dated 10.08.2021 under Section 6 of the POCSO Act.

And

In Re: **Tapan Barman**

Petitioner

Mr. Sayantan Bhowmik

For the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Ujjwal Luksom

Mr. Sagnik Sankar Sikdar

For the State

The progress in the trial could not be made since the case diary was lying before the High Court at Calcutta Circuit Bench at Jalpaiguri and the matter was last heard by the learned Additional Sessions Judge, 1st Court, Siliguri.

Considering the earlier order of rejection and the statement of the victim as recorded under Section 164 Cr.P.C. and considering the fact that the trial could not take place in view of the pendency of the application filed by the petitioner, we are not inclined to revisit the earlier order of rejection as there has been no change in circumstances. We, however, request the learned Special Judge under POCSO Act to proceed with the trial on the date fixed for evidence without granting any unnecessary adjournment to either of the parties unless it is unavoidable.

The Investigating Officer of the concerned police station shall produce the original case diary in connection with the case before the concerned Public Prosecutor at least seven days ahead of the next date fixed before the learned Trial Court in connection with the aforementioned case.

In such circumstances, application for bail of the petitioner is rejected. CRM (DB) 117 of 2024 is accordingly, disposed of.

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

(Soumen Sen, J)

(Partha Sarathi Sen, J)