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2024
Ct. No. 3

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

**C.R.R. 210 of 2024
Sekh Jiyaar Rahaman
Vs.
The State of West Bengal**

Mr. Gopal Sah

...For the Petitioner

*Mr. Nilay Chakraborty
Mr. Ujjwal Luksom*

...For the State

Mr. Ujjwal Luksom, learned Counsel, who usually appears on behalf of the State before this Court is hereby appointed to represent the State. The concerned department is directed to regularize the appointment of Mr. Ujjwal Luksom, learned Counsel.

A copy of the application has been handed over to Mr. Luksom in Court today.

It is submitted on behalf of the petitioner that in pursuant to the FIR lodged against the accused/petitioner, Matelli Police Station Case No. 181 of 2021 dated 04.08.2022 was initiated and thereafter Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) was added in the said proceeding. It is further submitted that after completion of investigation, Charge Sheet submitted and after taking cognizance, the charge was also framed on 28th August, 2023. He further submitted that since framing of charge some of the

prosecution witness have been examined but on several occasion prosecution witnesses could not be examined as they did not turn up on the dates fixed for evidence. It is further submitted that the said POCSO Act clearly stipulates particular time period within which the trial has to be concluded but in the present case much more than one year has already been passed but the Trial has not yet been completed. In such view of the matter, the petitioner has prayed for a direction upon the court below for expeditious disposal of the aforesaid Sessions Case, being Sessions Case No. 41 of 2022 (P) pending before the learned Special Court, under POCSO Act, Mal, Jalpaiguri.

Mr. Ujjwal Luksom, learned Counsel appearing on behalf of the State submits that state has got no objection if direction for expeditious disposal of the aforesaid proceeding is passed by this Court.

Having considered the facts and circumstances of the case and that the prayer made by the petitioner is innocuous and that if direction is passed in terms of prayer made in the petition neither party will have cause to prejudice, and that in the present case court has taken cognizance of the offence on 19.1.2023 and that section 35 of the POCSO Act mandates for conclusion of Trial within 1 year from the date of taking cognizance, the present application, being C.R.R. 210 of 2024 is hereby disposed of with a direction upon the learned Special Court under POCSO Act, Mal, Jalpaiguri, to made every endeavour for expeditious disposal of the said proceeding keeping in mind the

direction given under Section 35 of the POCSO Act and to make his best efforts to conclude the entire proceeding without granting any unnecessary adjournment to either parties preferably within a period of twelve weeks from the date of communication of the order.

(Ajoy Kumar Mukherjee, J.)