

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

CRR 248 of 2024

Mohammad Hasim
Vs.

The State of West Bengal & Anr.

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah

... For the petitioner.

Mr. Aditi Shankar Chakraborty
Dr. Arjun Chowdhury

... For the State

Mr. Aniruddha Biswas
Mr. Kanak Mishra
Mr. Manoj Saho

... For the victim.

1. The instant revisional application has been filed, inter alia, praying for transferring the case, being Special Case No. 12 of 2024, arising out of Darjeeling Sadar Woman Police Station Case No.46 of 2024 dated 10th June, 2024 from the Court of the learned Special Judge, under POCSO Act, 2012 at Darjeeling to the Court of the learned Special Judge, under POCSO Act, 2012 at Siliguri, on the ground of security concern of the petitioner, who is the accused.
2. By an order dated 23rd July, 2024, the above revisional application was entertained and the proceedings in connection with the Special Case No. 12 of 2024 pending before the Court of

the learned Special Judge, POCSO Act, Darjeeling was stayed. The stay has since been continued and is still subsisting.

3. When an application for extension of the interim order was moved, on 29th November, 2024, the learned advocate for the State had submitted a report prepared by the I.O. of the Women Police Station Darjeeling dated 17th August, 2024. From the aforesaid report it would transpire that when the accused was produced before the learned Special Judge, under POCSO Act, Darjeeling he was assaulted by a mob. A complaint in that regard was lodged by the S.I., Jyoti Kumar Rai and steps having been taken on the basis of the specific complaint lodged by the S.I., this Court had directed the case diary to be produced along with an assurance in the form of an affidavit to be filed by the Superintendent of Police, Darjeeling that adequate police assistance shall be provided for ensuring safety of the accused as and when the accused is produced before the Court.
4. Today, the case diary has been produced.
5. Dr. Chowdhury, learned advocate appearing on behalf of the State by placing reliance on the case diary would submit that in furtherance to the complaint lodged by S.I. Jyoti Kumar Rai, a specific case, being Case No. 46 of 2024 dated 10th June, 2024 has been registered and the investigation is in progress, though none has been arrested so far.
6. Dr. Chowdhury, by placing before this Court an affidavit affirmed by the Superintendent of Police, Darjeeling, on 30th November,

2024 in terms of the order dated 29th November, 2024, which is taken on record, would submit that the Superintendent of Police, Darjeeling has given a specific assurance that police administration shall afford necessary protection to the petitioner/accused person with deployment of adequate force as and when the accused is to be produced from judicial custody to the learned Special Court for the purpose of trial of the case and necessary entry barricades shall be set up in the Court premises on the date fixed for trial of the present case, to ensure safety and security of the petitioner/accused person.

7. Mr. Biswas, learned advocate representing the victim would submit that the victim is a specially abled person, interest of justice does not require transfer of the case pending before the Court of the learned Special Judge, under POCSO Act, 2012 at Darjeeling to the Court of the learned Special Judge, under POCSO Act, 2012 at Siliguri.
8. Having heard the learned advocates appearing for the respective parties and taking note of the assurance provided by the Superintendent of Police, Darjeeling, I am of the view that the present situation does not call for transfer of Case No. 12 of 2024 from the Court of the learned Special Judge, under POCSO Act, 2012 at Darjeeling to the Court of the learned Special Judge, under POCSO Act, 2012 at Siliguri, especially having regard to the assurance given by the Superintendent of Police, Darjeeling vide his affidavit affirmed on 29th November, 2024. This, apart

from the case diary, it would transpire that the FIR lodged on 10th June, 2024 is also being enquired into.

9. At this stage, learned advocate appearing for the petitioner would, however, submit that the petitioner does not want to proceed with the instant application.
10. Since, the affidavit has already been called for, I am of the view that there is no scope to grant any relief to the petitioner to withdraw the application at this stage.
11. The learned Special Judge, POCSO Act, Darjeeling shall be at liberty to proceed with the trial in Special Case No. 12 of 2024.
12. With the above observations and directions, the revisional application, being CRR 248 of 2024 stands disposed of.
13. The interim order passed earlier stands vacated.

(Raja Basu Chowdhury, J.)