

24.09.2025
Item No.11
Court No.551.
AB

W. P. A. 2047 of 2025

Sk. Saiful Ali
Vs
The State of West Bengal & Others

Ms. Diksha Ghoshfor the Petitioner.

Mr. Swapan Banerjee,
Mr. D. N. Banerjeefor the State.

1. In this writ petition which has been filed on January 24, 2025, the petitioner has prayed for change of the Special Public Prosecutor who was conducting Sessions Trial No.172 of 2023, Sessions Case No.19 of 2023 arising out of Egra P.S. Case No.426 of 2020 Dated August 8, 2020, before the learned Additional Sessions Judge, 2nd Court, Contai, Purba Medinipur.
2. It may be recorded that it is the petitioner's case that in respect of the same offence two criminal trials are going on. One before the learned Additional Sessions Judge, 2nd Court, Contai, Purba Medinipur and the other before the Juvenile Justice Board.
3. It is submitted that the petitioner had earlier approached this Court by filing WPA 8402 of 2024 seeking change of the Public Prosecutor conducting the prosecution in TR 21/20 before the Juvenile Justice Board. Such writ petition was allowed by an order dated July 31, 2024

and in terms thereof the Public Prosecutor was changed.

4. The writ petitioner has filed the present writ petition seeking change of the Special Public Prosecutor conducting trial in the Sessions Trial No. 172 of 2023; Sessions Case No. 19/2023 before the learned Additional District Judge, 2nd Court, Contai, Purba Medinipur. During pendency of this writ petition, the Legal Remembrancer and Ex-officio Principal Secretary to the Govt. of West Bengal issued an order dated January 21, 2025, whereby Mr. Sandeep Bhattacharya, learned Public Prosecutor who was conducting the trial before the learned Additional Sessions Judge, was released from the said case being Sessions Trial No.172 of 2023, Sessions Case No.19 of 2023 arising out of Egra P.S. Case No.426 of 2020 and in his place and stead Mr. Soumen Kumar Dutta was appointed as the Special Public Prosecutor. The said letter has been brought on record by way of a supplementary affidavit filed by the writ petitioner upon taking leave of this Court.
5. In the said supplementary affidavit, a letter dated August 6, 2025, issued by the Administrative Officer, Office of the Legal Remembrancer, Govt. of West Bengal, has also been annexed. By the said letter dated August

06, 2025, the District Public Prosecutor, Purba Medinipur has been requested to engage an advocate of his choice other than Ms. Rohini Khatoon Mr. Soumen Dutta from the existing panel to conduct the prosecution in respect of *“Egra P.S. Case No.426 of 2020 dated August 22, 2020 u/s 341/ 323/ 325/ 326/ 307/ 354/ 504/ 34 IPC and added Section 302, TR 21/2020 in the matter of State vs. Sk. Hamidul and Sk. Akram Ali (C.C.L.)”* before the Juvenile Justice Board, Tamluk.

6. The petitioner now requests this Court to direct the respondent authorities to allow/engage Mr. Soumen Datta as the Public Prosecutor before the Juvenile Justice Board as well. I am afraid, such prayer cannot be allowed on the present writ petition.
7. The prayer of the petitioner in the present writ petition is for *“change of Special Public Prosecutor in connection with Sessions Trial No.172 of 2023, Sessions Case No.19 of 2023 arising out of Egra P.S. Case No.426 of 2020”* and not for change of Public Prosecutoir before the Juvenile Justice Board. In view of the fact that by a letter dated January 21, 2021, the Special Public Prosecutor who had been conducting the said case earlier, i.e. Mr. Soumen Bhattacharya, has been replaced by Mr. Soumen Kr. Dutta, the petitioner’s prayer in the writ

petition appears to have been answered in the affirmative.

8. The direction for change of the said Public Prosecutor before the Juvenile Justice Board, which the petitioner now seeks, is a relief not prayed for in the instant writ petition.
9. This writ petition being WPA 2047 of 2025 is therefore disposed of by recording that the petitioner's prayer for change of Special Public Prosecutor in respect of Sessions Trial No.172 of 2023, Sessions Case No.19 of 2023 arising out of Egra P.S. Case No.426 of 2020 has already been granted and therefore, this writ petition has become infructuous.
10. However, the petitioner shall be free to take such steps and recourse to such remedy that may be available to the petitioner in accordance with law, in case the petitioner seeks to get the Special Public Prosecutor who is conducting the case being TR 21/20 before the Juvenile Justice Board, Tamluk, changed. No costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Om Narayan Rai, J.)