

10-07-2025
Item No.9
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.11305 of 2025

Khalil Ali Molla

-vs-

The State of West Bengal & Ors.

Mr. Sourav Chatterjee, sr. adv.

Mr. Soumya Nag, adv.

Ms. Namrata Chatterjee, adv. ...for the petitioner

Ms. Sangeeta Roy, adv.

...for the State

Mr. Debajyoti Deb, adv.

Ms. Somdyuti Parekh, adv.

Mr. H.K. Jha, adv. ...for the added respondents

1. Heard the respective submissions made on behalf of all the parties.
2. The petitioner submits that the public prosecutor engaged in the case pending before the learned Additional Sessions Judge, 10th Court at Alipore in S.T. No.01(11) 2022 R No.61 of 2020, is acting more on behalf of the de facto complainant who was represented by the daughter of the public prosecutor. Prayer has been made to change the public prosecutor.
3. The prayer of the petitioner is vehemently opposed by the added respondent.
4. As everybody is entitled to a fair trial, none should reel under the misconception that a proper trial was not allowed to him. Only for upholding the sanctity of the trial, the Court is of the opinion that the Legal Remembrancer should take a call with the request of the petitioner for change of the public prosecutor.

5. In view of the above, the Legal Remembrancer is directed to engage any other public prosecutor or special public prosecutor from the list of public prosecutors / special public prosecutors maintained by the State of West Bengal to handle the subject case.
6. A decision shall be taken by the Legal Remembrancer at the earliest but positively within a fortnight from the date of communication of this order.
7. The writ petition stands disposed of.
8. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

