

ML 504
30.06.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 17401 of 2024

Dr. Subhadip Kundu
Vs.
The State of West Bengal & Ors.

Mr. Soumyajit Das Mahapatra.
Ms. M. Sinha.
Ms. U. Banerjee.

... for the petitioner.

Mr. Amal Kumar Sen. A.G.P.
Mr. Lal Mohan Basu.

... for the State.

1. The petitioner has been arraigned as an accused in a criminal proceeding. His grievance is that the learned Special Public Prosecutor engaged by the Legal Remembrancer to defend the State appeared on behalf of the victim at one point of time.
2. The stand of the petitioner is that the State should be represented by a neutral person and not by anybody who represented any of the parties earlier.
3. Learned advocate representing the State respondents submits that there will hardly be any change in the facts and the fate of the proceeding if the learned advocate who once represented the victim, represents the State.
4. Be that as it may, to dispel all doubts from the mind of the accused with regard to a fair trial and proper dispensation of justice, the Court is of the opinion that the Legal Remembrancer may take steps to engage a separate Special Public Prosecutor to defend the State in place

and instead of the learned advocate who was appointed by order dated 14th July, 2023.

5. The writ petition stands disposed of.
6. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)