

13.01.2025

Sl. No.: 23

Court No.30
BM

CRR 4625 of 2023

Pratim Singha Roy

Vs.

State of West Bengal & Ors.

Mr. Hasanuz Zaman Molla

Mr. Sayan Chattopadhyay

Mr. Manas Ajay Sankar

... for the petitioners

Ms. Debasish roy, Ld. P.P

Mr. Arijit Ganguly

Ms. Rajnandini Das

... for the State

Mr. Sanat Kumar Das

Mr. Sujan Chatterjee

Mr. Rohan Bavishi

Ms. Shreyani Sarkar

... for the opposite party nos.2 to 12

1. The present revisional application has been preferred against an order dated August 18, 2023 passed by the learned Chief Judicial Magistrate, Hooghly, in G.R Case No.921 of 2023 arising out of Polba Police Station Case No.85 of 2023 dated April 5, 2023 under Sections 147/148/447/323/354B/307/511/379/34 of the Indian Penal Code, thereby rejecting the petition of the petitioner herein, preferred on the ground that the learned advocate of the private opposite parties has appeared in the case before the trial court without getting any order or permission from the Presiding Officer of the learned court in terms with Rule 299(1) of the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985.
2. Learned counsel for the petitioner submits that Rule 299 of the Calcutta High Court Criminal (Subordinate

Court) Rules 1985 does not permit post facto permission.

3. Section 299 lays down:-

“R. 299 (1) More than one Pleader may appear by a single Vokatnama provided that-

(a) the name of each Pleader appears in the Vokatnama and he signs in acceptance thereof, and

(b) in the case of a Pleader appearing subsequently, the permission of the Presiding Officer of the court is obtained.

(2) The above rule shall apply mutatis mutandis to Mukhtears and Mokhtarnamas.”

- 4.** It appears from the order under revision dated 18.08.2023 that the learned Presiding Officer in the order under revision has held as follows :-

*“With regard to point taken by the learned advocate namely, Mr. Pratim Singha Roy, it is pertinent to mention that the violation of the said rule is not punishable and as such, it does not appear to be mandatory. Moreover today the accused persons have filed an affidavit stating that there are not happy with their learned advocate namely, Pratim Singha Roy and he refused to hand over their brief and now they have appointed Mr. Debendra Tewari as their learned advocate. In this situation, as the violation of the said rule is not mandatory and in **view of the statement of the accused made in their affidavit post facto permission is granted to Mr. Debendra Tewari to represented the accused before the court and thus, the petition dated 18.08.2023, filed by the learned advocate Mr. Pratim Singha Roy calls for no order.”***

- 5.** Considering the submission of all the parties concerned, the order under revision and the relevant provision as relied upon, this court finds that Rule 299

of the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985 **does not bar** post facto approval.

- 6.** The said Rule provides for permission of the Presiding Officer.
- 7.** In the present case the Presiding Officer by recording sufficient reasons has granted permission and thus this court find no reason to interfere with the order under revision, the same being in accordance with law.
- 8. Criminal revision 4625 of 2023 stands disposed of.**
- 9.** Pending applications stand disposed of.
- 10.** Interim order, if any, stands vacated.
- 11.** Let a copy of the order be sent to the learned trial court at once.
- 12.** Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)