

03.01.2025

Item No.15

Ct.No.2

Rakib

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

C.R.R. 459 of 2024

Dr. Shreya Roy

Vs.

State of West Bengal & Ors.

Mr. Subhrojyoti Bhowmick,
Mr. Mayank Roy.

... For the Petitioner.

Ms. Rima Sarkar.

... For the O.P. No.2.

Mr. Joyjit Choudhury, Ld. Addl. Adv. General,
Mr. Aditi Shankar Chakraborty, Ld. APP,
Ms. Bedashruti Bose,
Mr. Dr. Arjun Chowdhury.

... For the State.

Petitioner earlier challenged the Single Bench order passed in WPA 296 of 2023 wherein the Hon'ble Division Bench in M.A.T. No. 77 of 2024 was pleased to pass the following directions:

“12. Learned jurisdictional Court is requested to consider and decide the application for discharge as expeditiously as possible and preferably within a period of fortnight from date.

13. Learned jurisdictional Court will take appropriate measures so that the trial commences. If need be learned jurisdictional Court will split up the trial. Learned Jurisdictional Court is requested to ensure that the trial is taken up on day to day basis and is completed preferably within three months from the date of commencement of the trial. In so doing learned jurisdictional Court will not grant any unnecessary adjournments to any of the parties.”

Records reflect that till date the learned Special Court has not overcome the stage of consideration of charges, there are already observations of the Hon'ble Division Bench, firstly regarding the trial being delayed on one pretext or the other and next for commencing the day to day trial. Under the aforesaid circumstances, I do not find any reason why the learned Special Court is unnecessarily granting concession to the accused persons, particularly when the case is under the provisions of POCSO Act.

Learned advocate appearing for the petitioner has expressed his anxiety regarding the CFSL Report of CCTV footage of the nursing home as well as the legible copy of medical prescription.

Learned Special Court in course of the trial if it finds that the same is relied upon by the prosecution will ensure that at the time of the trial if the aforesaid document and report is relied upon, advance copy of the same as prayed for by the petitioner should be handed over. Petitioner claims that he has already inspected the contents of the CCTV footage as also the forensic examination report. If the petitioner at the stage of DW requires the CCTV footages which were not relied upon by the prosecution the same may also be made available to the defence at the relevant stage.

In view of the observations of the Hon'ble Division Bench, this Court is reluctant to pass any further orders as the indication in the order passed by the Hon'ble Division

Bench is on the face of it transparent, that is to take the trial to its logical conclusion.

With the aforesaid observation CRR 459 of 2024 is disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)