IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

PRESENT:

THE HON'BLE DR. JUSTICE AJOY KUMAR MUKHERJEE

CRR 307 of 2026

Suvradip Halder
Vs.
The State of West Bengal & Anr.

For the petitioners	:	Mr. Ayan Bhattacharjee Mr. Shounak Mondal
For the State	:	Mr. Gouranga Kumar Das Mr. Sankalpa Bhattacharjee
Heard on	:	20.07.2026
Judgment on	:	13.11.2026

Dr. Ajoy Kumar Mukherjee, J.

1. Petitioner has preferred the present revisional application against the order dated 3rd December, 2025 passed by learned Additional District & Sessions Judge, Chandannagore Hooghly, whereby charges have been framed against the petitioner under sections 127(2)/351(3) of the BNS read with section 4/6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as POCSO Act)

2. It is alleged in the instant application that although the investigation culminated in submission of charge sheet on 9th September 2025, the petitioner was consistently deprived of complete and mandatory prosecution documents including seizure list, medical report of alleged victim, medical report of the accused and statutory notice under section 179 of the BNSS. On multiple occasions, the learned Trial Court itself acknowledged such deficiencies and directed the prosecution to supply the same. However, despite the admitted non supply of vital documents and previous repeated adjournments, on that ground, the court below on 3rd December, 2025 proceeded to frame charges without affording him an opportunity to exercise his valuable statutory right to seek discharge.

3. Learned counsel for the petitioner Mr. Bhattacharya submits that no opportunity was granted to address arguments at the pre-charges stage, no indication was sought from the petitioner regarding his intention to file a discharge application and no separate date was fixed for consideration of discharge, thereby foreclosing a substantive safeguard, recognised under criminal jurisprudence. He further submits that stage of framing charge is not a mere formality, but a critical judicial exercise requiring conscious application of mind to the materials on record coupled with an opportunity to the accused to demonstrate the absence of prima facie case. The impugned order does not reflect any such application of mind nor does it record reasons or satisfaction justifying the continuance of prosecution. The procedure adopted by the court below is mechanical, perfunctory and contrary to the settled principles governing criminal trials. Therefore, the action of the learned Trial Judge has resulted in grave prejudice to the

petitioner and constitutes a violation of the principles of natural justice, particularly the rule of *audi alteram partem* . He further stressed that even in cases under special statutes like the POCSO Act, expedition cannot be achieved at the cost of fairness, due process and statutory safeguards available to the accused. He further submits that the framing of charge was undertaken on the very first date on which the petitioner was shown as present through Hazira, immediately after repeated adjournments occasioned solely due to non-supply of mandatory documents, thereby rendering the entire exercise mechanical and contrary to the settled principles of criminal jurisprudence.

4. He further argued that Learned Trial Judge failed to appreciate that the petitioner had consistently raised issues regarding non supply of vital documents but the hurried framing of charges, notwithstanding such deficiencies, reflects non-application of judicial mind and abdication of the duty cast upon the court at the pre-trial stage and thereby resulting in miscarriage of justice. He also laid emphasis that the court below failed to appreciate that the right of an accused to seek discharge at the stage of consideration of charge is a substantive and valuable right recognised under the scheme of BNSS and cannot be reduced to a mere ritualistic formality. The said right is intended to act as crucial filter to prevent vexatious, frivolous or groundless prosecutions from proceeding to trial. By abruptly framing charges without granting the petitioner a reasonable opportunity to invoke such statutory remedy, the court below has effectively rendered the safeguard otiose and illusory.

5. Even in cases under special statues such as the POCSO Act where expeditious trial has been encouraged by the legislature , the same cannot be achieved by sacrificing the fundamental rights of the accused or by short-circuiting mandatory procedural stages recognised by law. Therefore, since the order of framing charge is arbitrary and bad in the eye of law, the impugned order is liable to be said aside.

6. Learned counsel appearing on behalf of the state placed the Case Diary (CD) and submits that the court framing charge is under a legal obligation to frame such charge in writing within a period of 60 days from first hearing of charge. However, section 35 of the POCSO Act 2012 provides that the evidence of child is to be recorded within the period of 30 days from the date of taking cognizance of the offence by the special court. Therefore, the provision contained in section 35 over-rides the provisions contained in section 250(1) of the BNSS in view of section 31 of the POCSO Act, which provides that save as otherwise provided in the Act, the provisions of Cr.P.C. shall apply to the proceeding before a special court. The provisions contained in section 250 and 251 of the BNSS cannot have any overriding effect on the provisions of the POCSO Act. The Court below therefore was justified in framing charge against the accused persons, so that there can be no non-compliance of section 35 of the POCSO Act. Therefore, the order impugned is justified and does not call for any interference by this High Court.

Decision

7. In the instant case it is not in dispute that by a put up petition dated 24.9.2025, the petitioner sought for supply of some missing prosecution

papers, when the learned Special court fixed the same for consideration on 26.09.2025. Thereafter on 24th October, 2025 learned Trial court was pleased to allow the prayer made by the petitioner, thereby directing the prosecution to supply copies, which includes four seizure lists, medical report of two boys and medical report of accused, thereby fixing the next date for supply of copies of said documents to the accused/petitioner and for consideration of charge on 17th November, 2025. The petitioner could not be produced on 17th November 2025 and the trial court fixed next date on 3rd December, 2025 for supply of copies of foresaid missing prosecution documents and also for consideration of charge. However, on 3rd December, 2025 without addressing the issue of supply of copies of missing documents as ordered vide order dated October 24,2025 the court below had taken up the matter for consideration of charge and thereby framed charges under section 127 (2)/351 (3) of the BNS read with section 4/6 of POCSO Act against petitioner/accused.

8. It is therefore evident from the aforesaid facts and circumstances of the case that the charges were framed by the trial court without supplying copies of missing documents, as was directed by the same trial court in its order dated 24th October, 2025.

9. Needless to mention that supply of prosecution papers is an obligation of the court as would be evident from the language of section 232 read with section 230 & 231 of the BNSS. The court must arrive at a satisfaction regarding supply of copy prior to proceeding further in a case.

10. Now I am to consider whether the procedure followed by trial court in the present case, while framing charge was in conformity with the provisions

laid down in section 251 read with section 250(1) of the BNSS. In that context, for brevity of discussion let me first reproduce section 250 and 251 of the BNSS 2023 which reads as follows:-

"250. Discharge.

(1)The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under section 232.
(2)If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge *the accused and record his reasons for so doing."*

251. Framing of charge.

(1)If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which-
(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;
(b) is exclusively triable by the Court, he shall frame in writing a charge against the accused within a period of sixty days from the date of first hearing on charge.

(2)Where the Judge frames any charge under clause (b) of sub-section (1), the charge shall be read and explained to the accused present either physically or through audio-video electronic means and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.

11. Therefore, section 250(1) provides a time limit of 60 days from the date of commitment of the case made under section 232, within which the discharge application may be filed by the accused. No such time limit was fixed under erstwhile section 227 of Cr.P.C. and it has been newly incorporated in the BNSS, 2023. On the other hand, section 251 of BNSS is identical to section 228 of Cr.P.C. except a slight modification in sub-section 1(b) wherein time limit of 60 days from the date of first hearing on charge, has been prescribed. Section 251 BNSS/228 of Cr.P.C., which starts with

the words *'if after such consideration and hearing as aforesaid'* , is indicative. The question is how the period of 60 days is to be reckoned for filing discharge petition by the accused, where committal procedure is not contemplated, specially in respect of special courts, constituted under various legislations, including POCSO Act. Under Section 33(1) of POCSO Act, Special Court is empowered to take cognizance of any offence under the Act or upon a receipt of police report without the commitment procedure. Section 33(1) of the PPCSO Act may be reproduced below:-

> *"33 (1)A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.*

12. So far as discharge prayer in connection with warrant cases instituted upon a police report are concerned, it is guided by section 262 of BNSS. Sub-section (2) of Section 262 contemplates the examination of accused either physically (which was also provided under Cr.P.C). or via Audio Video Electronic mode (newly incorporated). Sub section (1) of section 262 prescribes a time limit for filing discharge petition by the accused within 60 days from the date of supply of copies of documents under section 230 of BNSS. Section 262 may be reproduced below for better understanding.

262. When accused shall be discharged.

> *(1)The accused may prefer an application for discharge within a period of sixty days from the date of supply of copies of documents under section 230.*
> *(2)If, upon considering the police report and the documents sent with it under section 193 and making such examination, if any, of the accused, either physically or through audio-video electronic means, as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing.*

13. Therefore, taking aid from section 262 (1) of BNSS, it can be said that where there is no contemplation for committal of the case to the sessions court, the time period for preferring discharge application under section 250(1) of BNSS shall be 60 days from the date of supply of the copies of prosecution documents/police papers to the accused.

14. But the issue gets complicated in view of apparent contradiction of section 250(1) read with section 262 (1) of the BNSS with that of section 35 (1) of the POCSO Act, which states that the evidence of the child shall be recorded within a period of 30 days of the Special Court taking cognizance of the offence and the reason for delay if any shall be recorded by the special court. Though section 31 of POCSO Act provides that the procedure laid down in Cr.P.C. (now BNSS) shall apply to the cases under the POCSO Act and the Special court under the said Act shall be deemed to be a court of sessions but it also provides that unless as otherwise provided under the POCSO Act, the provision of Cr.P.C./BNSS shall apply to the proceeding before a Special Court.

15. Therefore, while the BNSS gives an opportunity to the accused to seek for his discharge within a period of 60 days from the date of commitment and in the case of warrant procedure cases instituted on police report, 60 days from the date of supply of copies under section 230, but in contradistinction section 35 of the POCSO Act provides that evidence of the child shall be recorded within a period of 30 days from the date of taking cognizance. Section 31 of the POCSO Act may be reproduced below as it is relevant in this context:-

> *31. Application of Code of Criminal Procedure, 1973 to proceedings before a Special Court.— Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974)(including the provisions as to bail and bonds)shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor*

16. On a plain reading of section 31 of the POCSO Act, it is apparent that the provision contained in section 35 of POCSO Act, that evidence of the child shall be recorded within a period of 30 days from the date of taking cognizance shall override the provision contained in section 250(1)/262(1) of BNSS.

17. During the course of argument Mr. Bhattacharya, learned Senior Counsel appearing for petitioner raised a question as to whether the BNSS, 2023 being a later statute, the provision contained in section 250(1) and section 262(1) of BNSS, so far as it relates to 60 days time limit for filing discharge application by the accused, shall have overriding effect on the previously legislated POCSO Act or not.

18. It is important to mention here that POCSO Act does not provide any specific provision with regard to the framing of charge or discharge of an accused. Therefore, there is no bar to follow the procedure laid down in BNSS with regard to framing of charge under the POCSO Act. In this context section 33(9) of the POCSO Act may be relevant to refer.

> *33 (9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 (2 of 1974) for trial before a Court of Session.*

19. Therefore, the mandate is clear that the special court, after taking cognizance under section 33(1) of POCSO Act, is required to frame charge following the provisions of BNSS. Thus the question which now arises is as

to when and upto what stage the accused would get an opportunity to file a discharge application. As I have stated above that in the absence of any specific provision in the POCSO Act 2012, the provision of Cr.P.C. (now BNSS) shall regulate the procedure of framing of charge. Moreover there is no requirement to follow commitment procedure by the special court under the said Act as the Special Court itself is authorized to take cognizance of the offence without the accused being committed to it for trial.

20. Needless to say that the incorporation of time limit of 60 days in the BNSS as stated above is to provide ample time to the accused to prepare himself with the help of the copies of supplied prosecution documents, to prefer his discharge application, if any, so as to preserve the right of the accused to a fair trial as guaranteed under Article 21 of the Constitution of India. In this context it would be apt to mention that Apex Court and various High Courts have emphasised the absolute significance of preserving the right of the accused to a fair trial. Here I may profitably refer the following observations of the Apex Court to enumerate the importance of upholding the accused person's right to fair trial. In ***Md. Hussain Vs. State (Government of NCT, Delhi),*** reported in **(2012) 9 SCC 408** it was held by the Apex Court in Para 40 as follows:-

> ***40.*** *"Speedy trial" and "fair trial" to a person accused of a crime are integral part of Article 21. There is, however, qualitative difference between the right to speedy trial and the accused's right of fair trial. Unlike the accused's right of fair trial, deprivation of the right to speedy trial does not per se prejudice the accused in defending himself. The right to speedy trial is in its very nature relative. It depends upon diverse circumstances. Each case of delay in conclusion of a criminal trial has to be seen in the facts and circumstances of such case. Mere lapse of several years since the commencement of prosecution by itself may not justify the discontinuance of prosecution or dismissal of indictment. The factors concerning the accused's right to speedy trial have to be weighed vis-à-vis the impact of the crime on society and the confidence of the people in judicial system. Speedy trial secures rights to an accused but it does not preclude the rights of public justice. The nature and gravity of crime,*

persons involved, social impact and societal needs must be weighed along with the right of the accused to speedy trial and if the balance tilts in favour of the former the long delay in conclusion of criminal trial should not operate against the continuation of prosecution and if the right of the accused in the facts and circumstances of the case and exigencies of situation tilts the balance in his favour, the prosecution may be brought to an end. These principles must apply as well when the appeal court is confronted with the question whether or not retrial of an accused should be ordered.

21. In ***Anokhilal Vs. state of M.P.*** reported in **(2019) 20 SCC 196** Supreme Court held in Para 26 as follows:-

26. *Expeditious disposal is undoubtedly required in criminal matters and that would naturally be part of guarantee of fair trial. However, the attempts to expedite the process should not be at the expense of the basic elements of fairness and the opportunity to the accused, on which postulates, the entire criminal administration of justice is founded. In the pursuit for expeditious disposal, the cause of justice must never be allowed to suffer or be sacrificed. What is paramount is the cause of justice and keeping the basic ingredients which secure that as a core idea and ideal, the process may be expedited, but fast tracking of process must never ever result in burying the cause of justice.*

22. Therefore it is settled proposition of law that while expeditious disposal is undoubtedly a primary object of every criminal trial involving such offences and early disposal forms an integral part of guarantee of a fair trial, but attempts to expedite the trial should not be at the cost of fairness or affording an opportunity to the accused as prescribed in the subsequently legislated procedural law, to defend himself.

23. Coming back to the moot question raised in the instant proceeding which pertains to the time limit by which accused would be entitled to file discharge application and the next question i.e. from which stage, time will be reckoned to exercise such right by the accused. It appears as mentioned above that there is an apparent contradiction of the provision of section 251(1)/261(1) of the BNSS with that of section 35(1) of POCSO Act and therefore in view of such provision under the POCSO Act, whether time-frame for filing discharge application by the accused person is liable to be curtailed in view of section 31 read with section 35 (1) of the POCSO Act.

24. In my considered opinion since the accused person's right to prefer discharge application within a reasonable period on receipt of prosecution/police papers is an unalienable facet of article 21 of the Constitution, therefore denial of such opportunity on technical reasons must lead to denial of opportunity to fair trial. Even in case of trial of offences by Special Court under POCSO Act, where commitment procedure has not been contemplated, the time frame as prescribed under BNSS, which is a subsequent general statute would apply *proprio vigore* for the reasons that section 4(2) of BNSS/Cr.P.C. provides that all offences under any other law shall be investigated, inquired into, tried and otherwise dealt with according to the same provision but subject to any enactment for the time being in force regulating the manner or place of investigating, enquiring into, trying or otherwise dealing with such offences.

25. At the cost of repetition I would like to mention that no special procedure has been provided under the POCSO Act relating to framing of charge or discharge of an accused. In the absence of special procedure relating to framing of charge or discharge of an accused, the principle laid down in section 250 (1) read with section 262(1) shall apply in view of clear mandate in the subsequent general legislation.

26. In ***Ajoy Kumar Banerjee Vs. Union of India,*** reported in **(1984) 3 SCC 127** Supreme Court had dealt with the rule of interpretation with regard to the general law as well as special law and held in paragraph 39 as follows:-

> ***39.*** *From the text and the decisions, four tests are deducible and these are: (i) The legislature has the undoubted right to alter a law already promulgated through subsequent legislation, (ii) A special law may be altered, abrogated or repealed by a later general law by an express provisions, (iii) A later general*

law will override a prior special law if the two are so repugnant to each other that they cannot co-exist even though no express provision in that behalf is found in the general law, and (iv) It is only in the absence of a provision to the contrary and of a clear inconsistency that a special law will remain wholly unaffected by a later general law. See in this connection, Maxwell on the Interpretation of Statutes, Twelfth Edn., pp. 196-198.

27. In ***S. Prakash and Anr. Vs. KM Kurian (Kuniyan) and Ors.*** reported in **(1999) 5 SCC 624** Apex Court has emphasised the legislative intent while discussing the *maxim generalia specialibus derogant* (Special things derogate from general thing) held if language of general provision is clear and unqualified, it prevails over special provision and special provision must give way to general provision if legislative intent was to establish a rule of universal application. Therefore it is clear that if the intention of the rule making authority was to establish a rule of universal application in the interest of just and fair trial, to give reasonable opportunity to the accused concerned to prefer his discharge application within a time limit, the provision incorporated in subsequent legislation shall follow.

28. The expression in section 250 (2) of the BNSS '*and after hearing the submission of the accused and the prosecution in this behalf, the judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and records his reasons for so doing'* includes the submission of the accused on the records of the case as filed by the prosecution and the documents relied by them.

29. It is needless to mention that in a plethora of judgments, the Apex Court and the High Courts have taken a clear stand that the trial court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court for consideration at

the time of framing charge, though the probative value of the materials on record cannot be gone into. Nevertheless while framing charge the court must apply its judicial mind and the materials placed on record must satisfy that the commission of the offence by the accused was possible.

30. Therefore, the provisions contained in section 250 and 251 are not empty formalities and that the court exercising the power is required to evaluate the entire materials and documents made available on record with the object of finding out if the facts emerging therefrom and taken at their face value, discloses the existence of all ingredients constituting the alleged offences. On a plain reading of section 250(1) /262(1) it is clear that while incorporating the new provision relating to the 60 days time for preferring application for discharge from the date of commitment/from the date of service of copies of the documents, the intention of the legislature was to establish a rule of universal application. There appears to be no reasonable explanation as to why accused of a POCSO Case shall not get reasonable time-period to prefer his discharge application, where there is possibility of the accused being punished with grave punishment, specially when the accused of much lesser offences are getting reasonable time period upon receiving prosecution documents to prefer such application before the court.

31. Though in section 31 of the POCSO Act the reference has been made to Cr.P.C, yet the provision of BNSS would apply in place and instead of Cr.P.C. on the doctrine of legislation by reference. Section 31 of the POCSO Act is a legislation by reference for which the subsequent changes in the referred legislation would apply in the Special Act. There is a difference between a legislation by incorporation and a legislation by reference. In case

of legislation by incorporation the provisions referred to are bodily transplanted from the referred legislation to the special act. Therefore, subsequent changes are inconsequential, however in case of legislation by reference, the subsequent changes in the referred legislation are also applied in the special Act by virtue of the provision under section 8 of the General Clauses Act. Hence any change in the referred legislation would apply in case of a legislation by reference.

32. In ***Insolvency and bankruptcy Board of India Vs. Satyanarayan Bankatlal Malu and Ors.*** reported in **(2024) 6 SCC 508**, the Apex Court referred the judgment in ***Girnar Traders (3) Vs. State of Maharashtra*** reported in **(2011) 3 SCC 1,** where it was held that once a finding is recorded that an Act is a self contained Code, then the application of either of the doctrines that legislation by reference or legislation by incorporation would lose their significance particularly when the two acts cannot co exist and operate without conflict. But in case of general reference in the Act in question to an earlier act but there being no specific mention of the provisions of the former Act, then it would clearly be considered as 'legislation by reference'. In such a case the amending laws of the former act would become applicable to the later Act. However, when the provisions of the Act are specifically referred and incorporated in the later statute then those provisions alone are applicable and the amending provisions of the former act would not become part of the later act.

33. Further more another question needs to be addressed i.e. from which date 60 days period shall be reckoned for filing discharge application by the accused. I have already mentioned that section 250(1) of BNSS speaks about

60 days from the date of commitment. It is apt to mention that in sessions triable cases where the procedure for commitment of case record has been contemplated, the records are being committed after serving copies of prosecution documents to the accused. Section 262 (1) speaks about 60 days time period from the date of supply of copies of documents under section 230 of BNSS. Therefore, both the provisions clearly suggests that 60 days should be reckoned from the date of service of copies of prosecution documents. In this context it also needs to be mentioned that supply of copies of documents must be interpreted to mean supply of full set of copies of documents which the prosecution wants to rely upon during trial.

34. Therefore special courts trying under the POCSO Act should follow the procedure while framing charge against the accused:-

(i) Since no commitment procedure has been prescribed under the POCSO Act for the cases triable by the Special Court, the date of service of copies of all the prosecution documents, which are to be relied upon during trial, shall be treated as the date of commitment for the purpose of section 250(1) of the BNSS.

(ii) Immediately after taking cognizance when the accused either appears before the court or the accused is bought before the special court, the accused shall forthwith be provided with the copies of prosecution documents as provided in section 231 of BNSS, if not already provided.

(iii) The accused may prefer an application for discharge within 60 days thereafter under section 250(1) of the BNSS.

(iv) If the accused does not want to file an application for discharge, such intention shall be given in writing by the accused and the court on receipt of such application shall immediately proceed for charge hearing.

(v) However, in the event the accused filed an application for discharge within 60 days, such application shall be considered under section 250(2) BNSS after providing reasonable opportunity of hearing to the accused and the prosecution, and the same shall be disposed of forthwith but not later than 60 days from the date of filing such application.

(vi) Unless the accused is discharged under section 250(2) of BNSS, the court shall proceed for charge hearing against the accused within 60 days thereafter.

35. Coming back to the case in hand it has already been pointed out that without supplying complete set of copies of documents as directed by the court itself on 24.10.2025, it has hurriedly and mechanically framed the charge against the accused and therefore, the order impugned is not sustainable in the eye of law and is liable to be set aside.

36. CRR 307 of 2026 is therefore allowed. Court below is directed to supply copies of complete set of documents, including missing documents, which are to be relied upon by prosecution during trial, within a period of two weeks from the date of communication of the order. If the accused wishes to prefer discharge application, he shall prefer the same within 60 days thereafter but if he does not want to file any application for discharge such intention shall be disclosed immediately after receipt of the copies and

the trial court in such cases shall go for charge hearing immediately. In the event the accused files an application for discharge within the aforesaid period, the court below will dispose of his prayer within 60 days thereafter. The order impugned dated 3rd December, 2025 passed in case No. ST (Spl) 102 of 2005 by the learned Additional Sessions Judge, POCSO Court, Chandannagore is hereby set aside.

37. Urgent Xerox certified photocopies of this Judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(DR. AJOY KUMAR MUKHERJEE, J.)