

CRR 1797 of 2026

**Sumit Adhikary
Vs.
The State of West Bengal & Anr.**

Mr. Moyukh Mukherjee
Mr. Kaustav Lal Mukherjee ...for the Petitioner

Mr. Kallol Mondal, Ld. PP
Mr. Imran Siddiqui ...for the State

The petitioner herein is aggrieved with the order dated 17th April, 2026 passed by the learned Judge, Special Court, Howrah in connection with Special TR case no. 150 of 2021. By the impugned order, learned court below allowed the prayer made by the prosecution to examine other inmates in Karuna Home, who were allegedly sexually abused and who have made statement before the learned Magistrate under Section 164 of the Code of Criminal Procedure.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that the application dated 17.4.2026 by which the prayer was made, is cryptic and it does not disclose, whom the prosecution wants to examine and what questions, they want to put to such witnesses for the purpose of adjudication of the said criminal proceeding. He further submits that no statement of such alleged victim girl was recorded by the learned Magistrate under Section 164 of the Code. He further submits that the doctors namely, PW-27 and PW-28 have not taken the names of the victims who were allegedly sexually abused by the present accused person inside the Karuna Home. Therefore, the court below has acted on a

vague prayer and without applying his judicial mind, has allowed the prayer made by the prosecution, which causes serious prejudice to the accused person.

Learned counsel for the State submits that it is true that the prayer made by the prosecution before the court below, does not disclose the name of such alleged victim girls, who are seven in number according to the prosecution case and therefore, the State may be given an opportunity to make fresh prayer disclosing the name of such victim girls.

Learned counsel for the State on instruction further submits that the said victim girls have already been adopted by their respective parents and as such, the State will have to ascertain further as to whether, it is feasible to produce the said witnesses before the court.

Having heard learned counsel for both the parties, the instant application being CRR 1797 of 2026 is hereby disposed of by giving liberty to the State to make a fresh prayer if necessary, disclosing the details of witnesses/victim girls, who were also allegedly sexually abused by the present petitioner inside the Karuna Home and whom the prosecution wants to examine, within a period of 30 days and in the event of filing such prayer made by the prosecution under Section 311 of the Code, the court below will dispose of their prayer in accordance with a reasoned decision.

The impugned order dated 17.4.2026 passed in Special TR case no. 150 of 2021 pertaining to which the court below has allowed the prayer made by the prosecution for examining some unspecified victim girls, is hereby quashed.

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

(Dr. Ajoy Kumar Mukherjee, J.)