

CRR 118 of 2026

DR. SHREYA ROY
VS
STATE OF WEST BENGAL AND ORS.

Mr. Subhrojyoti Bhowmick
Mr. Rahul Paul

...for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Anuruddha Biswas

...for the State.

1. This is an application praying for setting aside of the Order dated 6.1.2026 passed by the Learned Special Judge at POCSO Act, Siliguri in Special POCSO Case No. 41(6) of 2020. In terms of the impugned order, the Learned Trial Court allowed the application under Section 311 of the Criminal Procedure Code.
2. Earlier Co-ordinate Bench of this Court had given liberty to the petitioner therein in CRR 286 of 2015 to file application under Section 311 of the Criminal Procedure Code. In the impugned order the Learned Trial Court noted the direction but allowed the application in terms of Order No. 13 dated 6.1.2026 on consent although noted at the same time that the accused raised objection. In fact, the Learned Trial Court did not consider the parameters applicable in case of Section 311 of Cr.P.C.

3. There was no consent of all the parties which was a wrong committed by the Trial Court.
4. This application stands disposed of with direction to the Learned Trial Court to reconsider the application filed under Section 311 of Cr.P.C. considering applicable principles of law and pass considered order.
5. Report submitted by the prosecution be kept in record.
6. Affidavit of Service filed in Court be kept in record.

(Sugato Majumdar, J.)