

07.01.2026
Item no. 79.
Court No.3.
Rakib

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR 597 of 2025

**Sanjay Roy
VS
The State of West Bengal & Anr.**

Mr. Avimannu Das
.....for the Petitioner.
Mr. Nilay Chakraborty, Ld. APP
Mr. Tapan Bhattacharjee
.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner was aged 17 years 3 months and 16 days at the time of the alleged commission of offence. However, the investigating agency did not consider the same and submitted the charge-sheet before the learned Special Court.

This Court enquired from the learned advocate as to whether the petitioner took up the issue before the learned Special Court when it was answered that 'the said point was not taken up before the learned Special Court'.

As none appears on behalf of the State Mr. Nilay Chakraborty, learned Additional Public Prosecutor with a junior of his choice is directed to represent the State. Their appointments may be regularized by the concerned authorities.

A copy of the revisional application be served upon the learned advocate appearing for the State.

In view of the nature of contention advanced in the present revisional application, I am of the view that the issue of juvenility must be first canvassed before the original Court being the learned Special Court. If there are reasons for dissatisfaction, petitioner will thereafter approach this Court.

Accordingly, if the petitioner prefers any application claiming juvenility, the learned Special Court would consider the said application in accordance with law and would dispose of the same preferably within a period of 45 days.

With the aforesaid observations CRR 597 of 2025 is disposed of.

All parties shall act in terms of server copy of the order 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.)