



ORDER BELOW EXH.01

Heard Ld. Advocate for accused at length on (Exh.24), along with this he filed certain documents and judgments to support his prayer. Thereafter, heard Ld. APP on (Exh.24), who also filed certain documents and submitted that he would be filing relevant judgment in his support on next date.

2. On concluding hearing on (Exh.24), Ld. Advocate Kanakdande urged to get himself heard as well on (Exh.24), which came to be objected by Ld. Counsel for accused, with the submission that such permission cannot be granted in view of the observation therein in the case of *Rekha Murarka Vs. State of West Bengal Criminal Appeal No. 1727 of 2019*, wherein, it was held that there is no bar on the victim engaging a private counsel to assist the prosecution with the permission of the Court. Victims counsel has only a supportive role. Making oral arguments and cross examine witnesses by victims counsel goes beyond a mere assistive role and constitutes a parallel prosecution proceeding by itself. It is also observed that victims counsel should ordinarily not be given right to make oral arguments and the principle should apply that victims counsel should adequately ensures that the interests of the victim are represented and if somewhere public prosecutor fails to highlight some issue of importance despite it having been suggested by the victims counsel, the victims counsel

may still not be given the unbridled mantle of making oral arguments.

3. Vide **(Exh.31)**, order came to be passed on the application filed by the Ld. Advocate Kanakdande, by which it has been clearly mentioned that he may facilitate the Ld. APP only to assist him as well as that advocate for the Forest Department may furnish necessary instructions, documents and legal assistance to Ld. APP. It has been made clear that any submission before the court on behalf of the prosecution shall be made through the Ld. APP, making it clear that no any individual right of getting himself heard other than Ld. APP and Ld. Counsel for accused can be bestowed upon Ld. Counsel Kanakdande. Vide **(Exh.31)**, he has been allowed and permitted to assist Ld. APP only. In view of the above, I pass the following order.

ORDER

1. Assist to Ld. APP, appointed vide **(Exh.31)** is directed to get himself heard only through Ld. APP on next date.
2. No separate hearing would be accepted of, assist to Ld. APP

Date : 01-08-2026

Sd/-
[Smt. Sheetal P. Koul]
Judicial Magistrate First Class,
Mudkhed