

GR-1949/2015**Order dated 04.02.2020**

Today is fixed for hearing of petition dated 18.03.17 and passing order.

Sole Accused on CB files hazira.

The accused /Sujoy Chakraborty in person at this juncture filed one applications praying for defending his case in person .

The accused in person was found to hesitant and showed his unwillingness to serve the copies of both the applications to his other side and even get the same seen by Learned APP .

Thereafter as per directions of this Court served the copies to Ld. advocate on behalf of defacto complainant and the same was seen by Ld. APP in charge.

The instant petition is taken up for hearing. Heard the submission of all sides at length. Considered.

Fix 12.02.2020 for passing order.

Dictated and corrected by me

Judicial Magistrate

3rd Court, Serampore, Hooghly

Order dated 12.02.20

Today is fixed for passing order.

Accused on CB files hazira.

Defacto complainant takes step.

Record is now taken up for passing the order.

The accused in person submitted verbally, on the earlier date at the time of hearing of the instant application dated 04.02.2020, that there are two cases pending before this Court for adjudication and that this instant case is a counterblast of the other case. It is his further submission that being the accused , he himself is aware about the facts of the case and further being practicing advocate of Hon'ble Court ,Calcutta , is well conversant about the legal knowledge and sought for leave of this Court to represent himself in person in this case.

Ld. APP in charge raised her formal objection. Ld Advocate on behalf of defacto complainant also mentioned about his objection.

Considering the rival contentions , in this relevance , it is apt to mention that Section 303 of CrPC along Article 22(1) of the constitution of India which provides a right to all the accused persons, to be defended by a pleader of his choice.

On careful perusal of the provisions of the CrPC as well under Section 32 of Advocate Act, 1961, there are no such statutory limitations /restrictions with regards to accused representing his ownself. Further, also taking into consideration, accused himself being a practicing advocate, there is no legal impediment to refuse the prayer of accused and as such the leave is permitted.

Henceforth, the instant application dated 04.0.2020 is allowed on contest without any costs.

Fix 12.06.2020 for appearance and consideration of charge.

Dictated and corrected by me

Judicial Magistrate

3rd Court, Serampore, Hooghly