

12.08.2025
Court No. 35

D/L. No.49
Rakib

W.P.A. 14652 of 2025

**Afjal Ali Sha @ Abjal Shaukat Sha
VS**

The State of West Bengal & Ors.

Mr. Sourav Chatterjee, Sr. Adv.

Mr. Moyukh Mukherjee

Mr. Soumya Nag,

Mr. H. Verma,

Mr. Aditya Tiwari

Ms. Namrata Chatterjee

Mr. Moyukh Majumder

...for the Petitioner

Mr. Swapan Banerjee, AGP,

Ms. Pratiti Das

...for the State.

Mr. Indranil Roy, Sr. Adv,

Mr. Sunil Kumar Roy

...for respondent nos. 3 to 8.

Mr. Kalyan Bandopadhyay, Sr. Adv.

Mr. Ayan Bhattacharjee, Sr. Adv.

Mr. Soumya Basu Roy Chowdhury

Mr. Rahul Kumar Singh

Mr. Pronab Halder

...for respondent no. 13.

Mr. Arun Kumar Maiti (Mohanty)

Mr. Uttam Basak

...for Union of India.

Mr. Kaushik Gupta, Sr. Adv.

...Special Public Prosecutor.

On perusal of the records of the case it has been come to the notice of this Court that in Transfer Petition (Criminal) No. 409 of 2021, the Hon^{ble} Supreme court was pleased to observe as follows:

“36 (ix). *The Learned Portfolio Judge of the Calcutta High Court is requested to regularly monitor and supervise the trial proceedings in terms of the directions issued hereinabove.”*

Mr. Bandopadhyay, learned senior advocate appearing on behalf of the respondent no.13 submits that there is no impediment to take up the writ petition on the judicial side and the direction of the Hon^{ble} Supreme

Court is qualified by the phrase 'in terms of the directions issued hereinabove'.

Mr. Chatterjee, on behalf of the petitioner submits that there is no impediment in hearing the of the writ petition on the judicial side by this Hon'ble Court.

In view of the directions passed by the Hon'ble Supreme Court in connection with Panskura Police Station case no. 495/2019, I am of the opinion that a clarification is required prior to entering into the merits of the writ petition, as it may be required for consideration in course of the hearing of the writ petition in respect of proceeding pending before the learned Chief Judge, City Sessions Court who is conducting the trial, that the report sent to Hon'ble High Court regarding the progress of the trial of the case be taken into account pursuant to the direction of the Hon'ble Supreme Court relating to monitoring and supervising of the trial proceeding.

As such the records be sent to the Hon'ble the Chief Justice, High Court, Calcutta for analyzing whether this Court has got the jurisdiction to take up the writ petition on merits or it is only for the Portfolio Judge who would on the judicial side take up the issue or whether the directions of the Hon'ble Supreme Court permit this Court to hear out the writ petition in view of different Benches of this Court, subsequently taking up the proceedings arising out of Panskura Police Station case no. 495/2019 as per roaster.

Let the records be placed before the Hon'ble The Chief Justice, High Court, Calcutta for appropriate assignment.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)