

35-36.
30-01-2026
(ct. no.34)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction**

**CRR 19 of 2026
+
IA NO:CRAN/1/2026**

**Manoj Kumar Paul
Vs.
The State of West Bengal & Anr.**

W I T H

**CRR 49 of 2026
+
IA NO:CRAN/1/2026
+
CRAN/2/2026**

**Jagadish Paul
Vs.
The State of West Bengal & Anr.**

Mr. Dibyendu Chatterjee, Adv.,
Ms. Satabdi Das, Adv.,
Ms. Sunanda Chatterjee, Adv.
... For the Petitioner in both the cases.

Mr. Debasish Roy, learned Public Prosecutor,
Ms. Amita Gaur, learned Senior Govt. Adv.,
Mr. Bitasok Banerjee, Adv.
... For the State in CRR/19/2026.

Mr. Debasish Roy, learned Public Prosecutor,
Ms. Amita Gaur, learned Senior Govt. APP,
Ms. Pushpita Saha, Adv.
... For the State in CRR/49/2026.

Mr. Pradip Saren, Adv.,
Mr. Soumik Ghosh, Adv.,
Ms. Saheli Hembrom, Adv.
... For the victim/opposite party.

Re : CRR/19/2026

1. In the order dated January 29, 2026, the names of learned advocates for the State are not inadvertently recorded. The

following appearance on behalf of the State be recorded in that order:

Mr. Debasish Roy, learned Public Prosecutor,
Ms. Amita Gaur, learned Senior Govt. Adv.,
Mr. Bitasok Banerjee, Adv.

Let the above correction be inserted in the order dated January 29, 2026 by the concerned department.

2. This is an application for quashing of the proceeding pending before the learned Special Court on the ground inter alia that the applicant has been denied his right to have the defence counsel and application for recalling of the witnesses are pending for disposal and it is apprehended that the the learned advocate representing the accused person may be prevented from proceeding with those applications because of the continuous threat meted out to the learned advocate.. Accordingly, prayer is made to quash the entire proceeding.

3. Learned Public Prosecution raises vehement objection. An application for vacating of the order passed by the coordinate Bench on January 06, 2026 has been filed. Copy of the same has been served upon the petitioner.

4. On perusal of the said order also, it transpires that the State was directed to submit a report. The report has been submitted and it is specifically submitted before this Court by the learned Public Prosecutor that the trial is at the fag end of conclusion and the I.O.'s evidence is fixed on January 31, 2026. At no point of time, any dispute was raised regarding non-availability of defence counsel as the witnesses were duly cross-examined and were discharged. The entire allegations mentioned are not having any foundation and is liable to be dismissed.

5. Having heard the learned advocates for the parties and on careful perusal of the material on record, prima facie, this Court is of the view that the ground taken for quashing of the proceeding cannot be considered in view of the facts and circumstances as discussed above. The inherent power of the Court cannot be exercised to quash a proceeding where serious allegations are levelled against the accused person for an apprehension of not being defended when the evidence of most of the vital witnesses are completed without any interruption.

6. Perused the report furnished before this Court filed by the prosecution which completely denies of any such situation. This court do not find any reason to pass any interim order of stay.

However the State must ensure the safety security of the accused as well as the learned advocate representing the accused must be maintained and the right of the accused person being defended is not frustrated.

7. Let this revisional application be placed before the regular Bench.

Re : CRR 49 of 2026

8. This matter has come up at the instance of the State. In this case also, an application for vacating of the order passed on January 06, 2026 passed by the coordinate Bench has been filed.

9. Learned advocate appearing on behalf of the petitioner submits that this revisional application was filed for transfer of the proceeding pending before the learned Special Court at Rampurhat, Birbhum in connection with POCSO Case No.55 of 2025 since the learned advocate representing the petitioner is under huge pressure created by the local hooligans.

10. Learned Public prosecutor denies that any threat was meted out to the accused person as alleged during the course of trial .The Learned Special court has passed necessary order

to ensure the accused is well defended and his right to be defended as enshrined in the constitution is not frustrated. The next date is fixed on January 31, 2026 for taking evidence of the first I.O. Learned Public Prosecutor also assured this Court that all the necessary police protection has been provided to the accused person and the learned advocate representing the accused immediately they entered into the court compound. There is no apprehension of being threatened by any unidentified persons as alleged. It is submitted that, if, at this stage, an order of transfer is granted by this Court, it will highly prejudice the trial.

11. Having heard the learned advocates for the parties and considering the fact the evidence of I.O. is fixed on January 31, 2026 for adducing evidence of the first I.O. A writ petition filed by the petitioner for transfer of the proceeding is still pending. Hence this Court is inclined to consider the prayer of the petitioner at this stage. The prosecutions further intimate that the accused has expressed his desire to be represented by the learned advocate Sukalyan Naskar who was engaged on behalf of the accused person. No interim order of stay is passed at this stage.

12. Let this revisional application alongwith the applications to appear before the regular Bench.

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

14. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]