

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

Crl. Rev. P. No.02 of 2023

For Petitioner(s) : Mr. A. K. Spl. P.P.
For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

12/01/2023

Heard.

This petition has been filed under Section-397 of Cr. P.C. read with Section-401 of Cr. P.C. for challenging the correctness, legality and propriety of order dated 19.11.2022 passed by the learned Special Judge, Court No.2, Agartala, West Tripura in connection with case No. Special(NDPS) 69 of 2018, wherein, the learned Special Judge closed the evidence into this case without examining the vital witnesses of the prosecution witnesses.

The petitioner has prayed for the following reliefs:

- "i. Admit this criminal revision petition.*
- ii. Issue notice upon the respondent.*
- iii. Call for the case records from the court of the learned Special Judge, Court No.2, Agartala, West Tripura in connection with case No. Special (NDPS) 69 of 2018.*
- iv. Stay the operation of the order 19.11.2022 passed by the learned Special Judge, Court No.2, Agartala West Tripura, in connection with case No. Special (NDPS) 69 of 2018, till disposal of the criminal revision petition.*
- v. After hearing the parties, Your Lordship would be kind enough to set aside/quashed the order dated 19.11.2022 and allow the State prosecution to adduce the remaining witnesses of the case as per list submitted by the learned Special Public Prosecutor before the learned Trial Court for fair ends of justice."*

The fact of the case in brief is that the petitioner is the State of Tripura as well as prosecution side of NDPS case No. Special(NDPS) 69 of 2018 pending with the Court of learned Special Judge, (NDPS) Court No.2, Agartala, West Tripura. During the trial of the case before the learned Court

below, the learned Court below closed the prosecution evidence on 19.11.2022 at the stage of deposition of prosecution witnesses.

The engaged counsel for the prosecution side filed application before the Court below to give time to the prosecution side for adducing remaining witnesses of the case. It is pertinent to mention herein that it is a case under NDPS Act and without examining the vital witnesses of the prosecution side, the learned Court below closed the evidence arbitrarily. The remaining witnesses of the prosecution side are vital and important for proper adjudication of the case and it is mentioned that there is no laches and negligence on the part of the prosecution side to adduce the remaining witnesses of the case. The petitioner has challenged the order dated 19.11.2022 before this Court for setting aside the order dated 19.11.2022 directing the learned Court below to take the remaining witnesses for their valuable depositions in support of the prosecution's case, for ends of justice.

In view of above and after perusal of the material evidence on record, this Court is of the view that to substantiate the ends of justice, the remaining witnesses need to be examined. Thus, the present petition stands allowed setting aside the impugned order dated 19.11.2022 passed by the learned Special Judge, Court No.2, Agartala, West Tripura in connection with case No. Special (NDPS) 69 of 2018, with a direction to give an opportunity for examining the necessary witnesses.

CHIEF JUSTICE (ACTING)

A. Ghosh