

**HIGH COURT OF TRIPURA
AGARTALA**

WP(Crl.) No.02 of 2025

Sri Saikat Saha,
S/o. Sri Sankar Saha,
Resident of Banamalipur,
P K P Sarani, Near Motor Stand Sanitala,
P.O. Agartala, PIN- 799001.

.....Petitioner(s)

- Versus -

1. The State of Tripura,

Notice to be served on Ld. PP, High Court of Tripura.

2. Smt. Rupa Banik,

W/o. Saikat Saha,
C/o. Sri Gopal Chandra Banik (Father),
Residing at Jogendranagar Vidhyasagar Pally,
P.O. College Tilla, Agartala, PIN- 799004.

..... Respondent(s)

For the Petitioner(s)	:	Mr. Chandrasekhar Sinha, Advocate.
For the Respondent(s)	:	Mr. Rajib Saha, Addl. P.P. Mr. Debajit Biswas, Advocate.
Date of hearing and delivery of Judgment & Order	:	19th February, 2025.
Whether fit for reporting	:	NO.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (Oral)

Heard Mr. Chandrasekhar Sinha, learned counsel appearing for the petitioner and Mr. Rajib Saha, learned Addl. P.P. appearing for the State-respondent No.1.

Also heard Mr. Debajit Biswas, learned counsel appearing for respondent No.2.

2. It is the case of the petitioner that one FIR was lodged by him on 08.08.2021 at East Agartala, Police Station against the respondent No.2 and 10 others under Sections 417/420/384 and 120B

of IPC which was registered as East Agartala PS case No. 106 of 2021 EAG. Thereafter, the police on completion of the investigation filed the charge-sheet against 10 FIR name accused persons under Sections 417/384 and 120B of IPC and one accused person was prayed to be discharged by the investigation officer in the charge-sheet. The cognizance of the offences was thereafter taken by the learned Judicial Magistrate 1st Class (Court No.1), Agartala, on 23.03.2022, against 10 accused persons including present respondent No.2.

3. Mr. Biswas, learned counsel has also placed today a copy of the order dated 08.08.2024, passed by a Coordinate Bench of this Court in Criminal Petition No.29 of 2024, where from it reveals that petition for quashing the FIR against said eight persons was filed before this Court and by the said order dated 08.08.2024, the Court allowed the petition in respect of seven accused persons, and thereby, petitioner Nos.1 and 3 to 8 of the petition were discharged. As a result, as of now, there are three accused persons who are to be tried in the said case.

4. It is the allegation of the petitioner, as submitted by Mr. Sinha, learned counsel that the accused persons of the case are very much irregular in their appearance before the learned Trial Court and therefore, the case is being dragged and hence a direction is required to be issued to the learned Trial Court to expedite the trial.

5. Copies of the orders passed by the learned Trial Court are also submitted along with writ petition and on perusal of those orders it appears that the case is now fixed for hearing on framing of charge against three accused persons, namely Sri Sankar Banik, Smt. Rupa

Banik (respondent No.2) and Sri Gopal Chandra Banik. Said Sri Sankar Banik and Sri Gopal Chandra Banik are not a party in this writ petition.

6. Mr. Biswas, however, submits that the accused persons who had been discharged by the Court were actually irregular in their attendance before the learned Magistrate causing delay in the trial. Record shows that the present three accused persons as named above were also absent on 25.11.2024 and therefore, learned Magistrate directed to issue bailable warrant of arrest against them. Mr. Biswas, learned counsel, however, assures the Court that the accused persons will be appearing before the learned Trial Court regularly so that the case is disposed of at the earliest.

7. Mr. Saha, learned Addl. P.P. submits that necessary orders may be passed for expeditious trial of the case and in case the accused persons are found irregular in their attendance, causing delay in the trial, it is always open to the learned Trial Court to pass necessary orders as per law to secure their attendance.

8. I have considered the submissions of all the learned counsel and have also taken note of the materials placed before this Court. *Prima facie*, it appears that some accused persons were not regularly attending the Court, for which the learned Trial Court had to pass orders for the issuance of bailable warrants on some occasions. The charge-sheet had been laid in the year 2021. Keeping in view of the said fact, the case is required to be tried and disposed of expeditiously.

9. As already learned Trial Court has passed order for issuance of warrants to secure attendance of three accused persons, no specific direction is required to be passed. However, it is observed that the

learned Trial Court will necessarily see that the trial of the case runs expeditiously, as far as possible. In case it is found that the accused persons, or any of them, are intentionally avoiding their appearance before the Court to delay the trial, liberty will always be there to the learned Trial Court to adopt any coercive method against the accused person(s) as per the law.

With such observations, the writ petition stands disposed of.
A copy of this order may be sent to the learned Trial Court.
Pending application(s), if any, also stands disposed of.

JUDGE



**SATABDI
DUTTA** Digitally signed by
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