

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No.70 of 2025

- 1. Kalu Miah @ Sahid** (aged about 40 years),
S/o Charu Miah, resident of Kamalasagar,
Miyapara, P.S. Madhupur, District: Sepahijala,
Tripura.
- 2. Charu Miah** (aged about 75 years),
S/o Late Sona Miah, resident of Kamalasagar,
Miyapara, P.S. Madhupur, District: Sepahijala,
Tripura.
- 3. Litan Miah** (aged about 44 years),
S/o Charu Miah, resident of Kamalasagar,
Miyapara, P.S. Madhupur, District: Sepahijala,
Tripura.
- 4. Anowar Hossain** (aged about 32 years),
S/o Charu Miah, resident of Kamalasagar,
Miyapara, P.S. Madhupur, District: Sepahijala,
Tripura.

----Petitioner(s)

Versus

The State of Tripura

----Respondent(s)

For Petitioner(s)	:	Mr. Pijush Kanti Biswas, Sr. Adv. Mr. Pujan Biswas, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

11/12/2025

This petition under Section 482 of Cr.P.C., 1973 corresponding to Section 528 of the BNSS, 2023 is filed for directing Learned Judicial Magistrate, 1st Class, Bishalgarh, Sepahijala District for early disposal of the case bearing No.PRC (WP) 134 of 2018.

Heard Learned Senior Counsel, Mr. Pijush Kanti Biswas assisted by Learned Counsel, Mr. Pujan Biswas appearing on behalf of the accused-petitioners. Also heard Learned Addl. P.P., Mr. Rajib Saha appearing on behalf of the respondent-State.

Taking part in the hearing, Learned Senior Counsel for the accused-petitioners drawn the attention of this Court that in this case cognizance of offence was taken by Learned Sub-Divisional Judicial

Magistrate, Bishalgarh, Sepahijala District by order dated 21.12.2018 under Sections 332/354/34 of IPC against four accused persons namely, Kalu Miah @ Sahid Miah, Charu Miah, Litan Miah and Anowar Hossain. Thereafter, the case was transferred to the Court of Learned Judicial Magistrate, 1st Class, Bishalgarh, Sepahijala District for disposal as per law. Before the Court of Learned Judicial Magistrate, 1st Class, Bishalgarh, Sepahijala District, on so many occasions i.e. from the year 2023 to till date, summons were issued. However, till today, not a single witness could be produced by the prosecution before the Learned Trial Court as a result of which the accused persons are unnecessarily suffering.

It is further submitted by Learned Senior Counsel that the accused-petitioners are regularly attending before the concerned Court below, but they being poor rustic persons are facing very much difficulties and severe inconvenience to pay the fees of the conducting Learned Counsel.

Learned Senior Counsel again submitted that the case was posted from 03.05.2023 to 10.05.2023 for examination of the PWs. However, as the summons issued upon the witnesses were not served, so, no witnesses could be examined. The case was again fixed from 01.08.2023 to 05.08.2023, and thereafter, on several occasions i.e. from 17.11.2023 to 22.11.2023 and after that w.e.f. 21.02.2024 to 27.02.2024 the case was posted for examination of prosecution witnesses. But, during that period no witnesses turned up. Again, the case was posted for examination of witnesses on 25.06.2024. On that day also, no witness turned up and the case was further adjourned. Similarly, on 23.07.2024, 13.09.2024, 04.11.2024, 21.12.2024, 19.02.2025, 05.03.2025, 27.05.2025, 28.05.2025, 23.06.2025, 25.08.2025, 15.09.2025 and 21.11.2025 in spite of fixing of dates, no witnesses turned up.

So, in summing up, Learned Senior Counsel for the accused-petitioners urged for passing necessary direction upon the concerned Learned Trial Court to dispose of the matter in a time bound manner.

Learned Addl. P.P. appearing on behalf of the respondent-State submitted that considering the facts and circumstances of the present case, a direction may be given to the Learned Trial Court to dispose of the case giving top priority.

I have heard both the sides at length and perused the copies of orders annexed with the petition.

It is surprising that the Learned Trial Court, in each of the calendars, simply adjourned the case for examination of the PWs without passing any effective order and in most of the occasions it is found that the service report of summons upon the witnesses were not returned back after service. Nothing was mentioned in the order sheet in detail.

Thus, it appears to this Court that the Learned Trial Court did not apply his/her proper mind to dispose of the case. If in this way the trial before any Court is conducted, in that case it would cause severe injustice to the litigants. Further, it is the settled position of law that if a person is arrayed as an accused in that case, till conclusion of trial, there is no scope to presume that he has been convicted or found guilty.

From the order sheets annexed with the petition, it appears that Learned Trial Court very carelessly passed the orders and simply adjourned the case days after days, which shows non-application of mind. It is also found that the orders of the Court were also not complied with in due time. Even no step was taken by the Learned Trial Court to seek report from the O/C of the concerned PS as to why summons were not served upon witnesses, which shows negligence and failure to discharge proper duties by the Learned Trial Court. Furthermore, no effort was made by the concerned Presiding Officer as to why in spite of issuing summons on so many calendars the witnesses did not turn up and whether the

summons were properly served or not or duly complied with or not. Even service report was duly placed on file or not was also overlooked by the concerned Learned Trial Court. This sort of practice is to be stopped henceforth.

Learned Trial Court should be very much cautious in conducting the trial of any case, whatever the nature of the offence may be. Even if it is found that in spite of receipt of summons, the witnesses does not turn up, in that case also law is there to ensure the presence of the witnesses. But, the manner in which Learned Trial Court dealt with the matter is very unfortunate.

So, considering the facts and circumstances of the present case, Learned Trial Court i.e. Learned Judicial Magistrate, 1st class, Bishalgarh, Sepahijala District is hereby asked to take immediate steps for disposal of this case giving top priority not later than 30.09.2026 from the date of receipt of a copy of this order.

Learned Trial Court be asked to submit a report as to why the case could not be dealt with as per law before the Registrar Judicial within a period of 15 (fifteen) days from the date of receipt of a copy of this order.

Registrar Judicial be asked to place the matter in administrative site before the undersigned after receipt of the report from the concerned Learned Trial Court.

With this observation, the present criminal petition stands disposed of.

Send a copy of this order to Learned Judicial Magistrate, 1st Class, Bishalgarh, Sepahijala District for information and compliance.

JUDGE

Snigdha

**SATABDI
DUTTA** Digitally signed by
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