

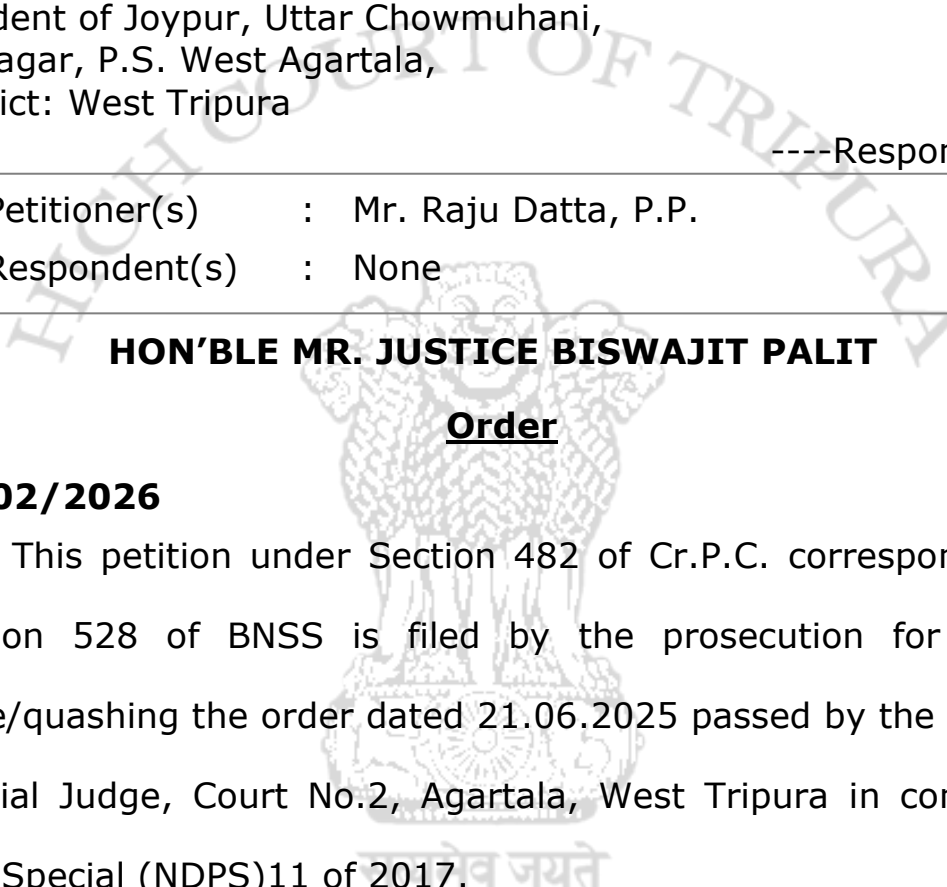
**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn.No.3 of 2026

The State of Tripura,
Represented by the Secretary,
Home Department, Government of Tripura

---Petitioner(s)

Versus

Sri Sanjib Das,
Son of Late Nitai Das,
Resident of Joypur, Uttar Chowmuhan, ,
Rajnagar, P.S. West Agartala,
District: West Tripura

----Respondent(s)

For Petitioner(s) : Mr. Raju Datta, P.P.

For Respondent(s) : None

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

13/02/2026

This petition under Section 482 of Cr.P.C. corresponding to Section 528 of BNSS is filed by the prosecution for setting aside/quashing the order dated 21.06.2025 passed by the Learned Special Judge, Court No.2, Agartala, West Tripura in connection with Special (NDPS)11 of 2017.

Heard Learned P.P. Mr. R. Datta appearing for the petitioner-State. But in spite of service of notice none has appeared on behalf of the respondent.

At the time of hearing Learned P.P. drawn the attention of the Court that in this case charge was framed against the accused under Section 22(1)(b) of NDPS Act and after that the case was posted for examination of prosecution witnesses and out of seventeen nos. of witnesses prosecution could adduce only 12 nos. of witnesses in this case. But on 21.06.2025 the Learned Trial Court on the submission of Learned Defence Counsel without passing any order for recording the evidence of rest witnesses has closed the evidence of prosecution and posted the case for

examination of accused under Section 313 of Cr.P.C. which compelled the petitioner-state to move this petition before this Court. It was further submitted by Learned P.P. that considering the nature and gravity of the offence and the materials on record if the prosecution is not given the scope to adduce the rest witnesses in that case there is every possibility that the prosecution may lose the case. So Learned P.P. urged before this Court to allow the prosecution to adduce the rest witnesses for proper adjudication of this case setting aside the order dated 21.06.2025 passed by Learned Special Judge, Court No.2, West Tripura, Agartala.

Considered.

I have also perused the record received from the Learned Trial Court. Admittedly this is a case of the year 2017 and on so many occasions summons were issued upon all the witnesses of the prosecution. But in spite of issuing summons on so many occasions prosecution has failed to produce the witnesses in time before the Court for which the case was dragging. But at the same time it is also true that without exhausting due process of law it was not proper on the part of the Learned Trial Court to close the evidence of the prosecution. However, at the time of hearing Learned P.P. fairly submitted before this Court to allow the prosecution to adduce the rest unexamined witnesses within a period of two months.

From the record of this case further it appears that on and after 15.07.2025 the case could not be proceeded further on the ground that the prosecution has filed petition before this Court. So considering the facts and circumstances of this case and the gravity of the offence the petition filed by the petitioner is hereby allowed. The order dated 21.06.2025 passed by Learned Special

Judge, Court No.2, West Tripura, Agartala is hereby set aside. The matter is remanded back to the Learned Trial Court for recording evidence of the rest unexamined witnesses. Prosecution is given another scope to adduce the rest unexamined witnesses within a period of two months from the date of posting of this record before the Learned Trial Court. If for any reason the prosecution fails to produce the rest unexamined witnesses as prayed for in that case the Learned Trial Court shall have all the liberty to conclude the case in accordance with law treating that the prosecution is not interested to proceed further. The Learned Trial Court shall proceed to dispose of the matter in accordance with law within the reasonable time.

With this observation this present petition stands disposed of.

Send down the record to the Learned Trial Court along with a copy of this order.

Also a copy of this order be supplied to Learned P.P. for information and compliance.

JUDGE

**MOUMITA
DATTA**

Moumita

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