THE HIGH COURT OF TRIPURA
A G A R T A L A

CRL.PETN. 26 OF 2015

Sri Rajib Debnath,
S/O. Sri Motilal Debnath,
Resident of Vill. Naraura,
P.O. & P.S.: Bishalgarh,
District: Sipahijala, Tripura,
Pin: 799102.

..... **Petitioner (Accused Person).**

– V e r s u s –

The State of Tripura.

..... **Respondent.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioner	: Mr. S. Kar Bhowmik, Advocate.
For the respondent	: Mr. R.C. Debnath, Addl. P.P.
Date of hearing and delivery of judgment and order.	: 15.07.2015.
Whether fit for reporting	: **NO**.

JUDGMENT & ORDER (ORAL)

The petition is directed against the order dated 06.7.2015 passed by the learned Additional Sessions Judge, Khowai, West Tripura in case No.S.T.14(WT/K)2012 whereby he has preponed the hearing over the case from 31.7.2015 to 21.7.2015 and has refixed the calendar of the case.

2. It is urged by Mr. S. Kar Bhowmik, learned counsel for the petitioner, that this could not have been done and it amounts

to review of the order of the Court. In my view, this is not a review done by the Court of its own motion. The facts leading to the order being passed are as follows:-

3. While reviewing all the criminal trials being conducted in the State of Tripura, I found that in this case one of the accused was the ADM, Khowai and he is presently posted there. The charge in the case was framed against him and the present petitioner who is the co-accused on 19.5.2012. This matter has been continuing for more than three years but even the statement of PW-1 has not been recorded completely. More than 25 dates have been granted for examination-in-chief. Mr. Kar Bhowmik is right that his client has only prayed for a date on one occasion and in all other occasions the date was either sought for by the prosecution or on behalf of the accused No.1.

4. This Court cannot shut its eyes to the fact that the main accused is a senior official posted in the same station in which the trial is going on. This obviously is leading to delay of the trial and, therefore, I (Chief Justice on the administrative side) after reviewing the matter had directed the Additional District & Sessions Judge to complete the hearing of the trial by 31.8.2015. It is pointed out that there are a lot of witnesses and the cross-examination of PW1 may take a lot of time. Therefore, the order of the learned trial Court is modified as follows:-

The preponement to 21.7.2015 is upheld. However, it is ordered that only cross-examination of PW-1 shall be conducted

from 21.7.2015 on day to day basis till it is complete. Thereafter, the trial Court shall fix the calendar for examination of the remaining witnesses after 16.8.2015 and the other witnesses shall be examined as per the calendar fixed. The time for disposing of the case keeping in view the number of witnesses is extended up to 30.11.2015.

5. I am *prima facie* of the view that the Additional Public Prosecutor has been unnecessarily asking for dates in this case. Therefore, a copy of this order shall be sent by the Registrar General to the Secretary, Law who shall ensure that the Public Prosecutor is present on all the dates and shall ensure that examination and cross-examination of the witnesses is done as per the calendar to be now fixed by the trial Court. The trial Court shall take care to ensure that trial of other cases is not affected by the fixing of this case and he shall also ensure that no other case is adjourned merely because this case is taken up. If need be, the trial Court will sit 2/3 hours extra everyday but shall ensure that no witnesses are sent back unexamined.

6. The State may also look into the aspect whether this ADM should continue at Khowai during the pendency of this trial or should be transferred to some other station.

7. The petition is disposed of accordingly.

CHIEF JUSTICE