

29.09.2020

Item no. 3

Ct. No.19

CHC

C.R.R. No.1322 of 2020
C.R.A.N. 1 of 2020
(Via Video Conference)

In Re:- An application under Section 482 read with Section 401 of the Code of Criminal Procedure in connection with Shibpur Police Station Case No.564 of 2011 dated 02.05.2011 under Sections 448/323/354/504/506/34 of the Indian Penal Code and Charge sheet was submitted therein, via Charge Sheet No.490/11 dated 16.10.2011 under Sections 448/323/504/506/34 of the Indian Penal Code..

And

In the matter of:-

Dibyendu Nath & ors.

... Petitioners

Mr. Jayanta Samanta,

Ms. Karunamoyee Samanta

... for the petitioners

Mr. Saibal Bapuli, Ld. A.P.P.

Mr. Arijit Ganguly,

Mr. Sanjib Kr. Dan

...for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application bearing C.R.A.N.1 of 2020 is disposed of.

This relates to prayer for quashing of a proceeding being G.R. Case No.4081 of 2011 under Sections 448/ 323/ 354/ 504/ 506/34 of the Indian Penal Code.

Learned advocate of for the petitioners submits that though 251 examination of the accused persons was held long before i.e. on 29th August, 2013, but till date no witness has been examined resulting in protraction of the trial.

It is further submitted by learned advocate for the petitioners that due to the delay caused in the trial, his valuable right to obtain speedy justice has been grossly infringed.

Learned advocate Mr. Arijit Ganguly representing the State submits that because of the pandemic surfacing all over the country, the normal functioning of the Court has been greatly disturbed, which may be one of the causes for the protraction of the trial.

This is a summons triable case and the Court should put all his sincerest effort to get it expeditiously disposed of after normal functioning of the Court resumes. When in the year back 2018, there has already been examination of the accused persons under Section 251 Cr.P.C., the trial court ought to have collected evidence of witnesses cited in the charge-sheet.

Upon perusal of the xerox copy of the certified copy of the trial court, it appears that though the trial court fixed date for collection of evidence, but the same could not be effectively utilized for several reasons, as mentioned in the order-sheets.

Without going into the details, the revisional application be disposed of directing the trial court to dispose of the pending criminal case in a most expeditious manner providing sufficient opportunity of hearing to either of the parties to this case. The

trial court is expected to put his sincerest effort to collect the evidence of the witnesses cited in the charge-sheet after utilizing the dates to be fixed by the trial court.

With this direction/observation the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)